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The Solicitors' Journal.

LONDON, JULY 24, 1869.

THE PRIVY COUNCIL have again been engaged this week in adjudicating on the rights and legal position of the Bishops of Capetown and Natal. The question on the recent case was one of real property law, and raised no theological point whatever. It appears that in 1850 while the Bishop of Capetown presided over a see which included Natal within its territorial limits the Crown granted a piece of land in the town of Pietermaritzburg, in Natal, to "Robert Gray, Lord Bishop of Capetown, and his successor in the said see," in trust for the English Church in the colony. In 1853, Dr. Gray resigned his bishopric, and was re-appointed to a diminished district, still, however, called the "See of Capetown," but no longer including Natal within its territorial limits. To the portion of the old see which comprised the Colony of Natal Dr. Colenso was appointed. At that time, however, neither he nor Dr. Gray suspected that by the resignation of the latter the office of trustee of the land in Natal was vacant, and accordingly Dr. Colenso received from Dr. Gray a power of attorney to act within the new diocese. That power was revoked soon after the commencement of the theological disputes between the two bishops which have now for so many years disturbed the Church in South Africa, and Dr. Gray then conceived himself entitled to assume possession of the piece of land, by whatever agent he chose to appoint, and took steps, not personally, but as the Privy Council have held, through his agent, to obstruct Dr. Colenso in his use of it. Meanwhile a church which when Dr. Colenso's patent was granted was in process of erection on the land in question had been completed, and in the letters patent of Dr. Colenso that church (then only partly erected) had been created his "cathedral." The position of the contending prelates was therefore this:—On the one hand, there was Dr. Gray still "Lord Bishop of Capetown" by title, and claiming as such to be still trustee for the English Church of the land, with the church built thereupon, granted to him and his successors in 1850. On the other hand, there was Dr. Colenso, Bishop of that part of the whole diocese of Capetown which comprised the colony of Natal, and claiming an exclusive possessory right to the land as such bishop, and also a right to officiate in the church as his "cathedral." The Supreme Court in Natal by some mysterious process of legal reasoning came to the conclusion that by virtue of his letters patent Dr. Colenso was positively constituted legal owner of the land as trustee; and they, consequently (Connor, J., dissenting), in an action which was practically one of ejectment brought by the Bishop of Natal against the Bishop of Capetown, decreed that the grant should be altered by substituting in it the name of Dr. Colenso for that of Dr. Gray, and that the former should be invested with legal possession. Against this decision the Bishop of Capetown appealed, and contended that the resignation by him of the office of bishop under the first set of letters patent granted to him could not by any possibility extinguish the corporation sole which by those letters patent was created, or, at all events, assuming that it did, that his second letters patent, which gave him power to take up and continue all his old engagements, operated as a re-appointment of him as "successor in the said see of Capetown," within the meaning of the grant. In either point of view it was argued that Dr. Colenso must fail, for wherever the legal title to the land was—whether in the Bishop of Capetown under one or other of his letters patent, or in the Crown, or *in gremio legis*—it was at all events *not* in Dr. Colenso, and, the title of that prelate not having been proved, the ejectment must fail.

The Judicial Committee adopted this line of reasoning, but although they did so, they gave to the appellant little more than a formal victory. They held that neither bishop had the legal estate; as to Dr. Gray because he had resigned his old bishopric, and as to Dr. Colenso because there never had been any re-grant of the property to him. At the same time, inasmuch as the original grant had been made, "subject to such rules and regulations as might be made with respect to the land," they considered that Dr. Colenso had a right of access to the church which had been nominated as his cathedral, and a right of officiating therein. That right the respondent had, in the opinion of the Committee, no power to interfere with, and further, would have had no power to interfere with, even assuming that he had been still the trustee. The result is, that the legal estate in the ground whereon the cathedral in Natal stands is held to be vested neither in the Bishop of Natal nor in the Bishop of Capetown, but the former bishop is pronounced to have, in common with other members of the English Church in the colony, certain rights and privileges over the land and the church built upon it. This is certainly a conclusion which concludes nothing and leaves the Natal controversy exactly where it stood before. It seems the singular fate of the parties to this protracted litigation to be continually trying questions which never touch in any the most distant degree what lawyers call the "merits of the case." This is the third suit between them which has been determined in this country—to say nothing of minor colonial controversies—and in none has the question of the alleged heresy of Dr. Colenso been raised. We have recently pointed out in this journal the manner in which we conceive it might be raised, and we may be permitted to express a hope that if the contending bishops have occasion to appeal a fourth time to a court of law, the real matter in dispute between them may be fairly and finally adjudicated upon. We believe it is the wish of both to obtain, if possible, a judicial decision on the great question of "heresy or no heresy;" and it certainly appears useless to continue legal proceedings on minor issues until that decision has been definitively arrived at.

IN THE RECENT PROCEEDINGS against Mr. Grenville Murray for perjury in the Marlborough-street Police-court, one of the witnesses was a clerk in Coutts' Bank, subpœnaed to produce two cheques drawn by Mr. Grenville Murray on the bank and paid by them. Had the proceedings been civil instead of criminal, and the production of the cheques required, it would not have been necessary to subpœna the banker's clerk to produce them; it would have been sufficient to have given Mr. Murray notice to produce. This was expressly decided in *Partridge* v. *Coates* (Ryan & Moody, 755), and in *Burton* v. *Payne* (2 Car. & P. 520); although in *Bayley* v. *Cass* (10 W. R. 370) Vice-Chancellor Stuart refused to order an executor to produce cheques of his testator in the possession of his bankers. When a cheque is paid it becomes the property of the drawer, and the banker who holds it becomes his agent. As Wilde, C.J., said in *Watts's case* (2 Den. 21), "The banker has no more right to it than the payee of a bill of exchange has to the bill when paid."

Many bankers are in the habit of refusing to return cheques, when paid to the drawer. A question then arises, have they any legal right to refuse? Can the drawer maintain an action at law against the banker? A *dictum* of Bayley, J., in *Burton* v. *Payne* is to the effect

that the drawer of a paid cheque has a right to go to the bankers and demand the cheque from them. Mr. Grant, in his "Treatise on the Law of Banking," says, "The reason of the rule is immediately seen when we consider that the cheque, bearing the tokens of having been cashed by the bankers, affords evidence, when produced, of the money for which it is drawn having been paid according to the requirements of the drawer by the drawees; it is therefore the drawer's proof or voucher of the payment of the debt due to the payee of the cheque. When the drawer draws on his own account against his own moneys deposited with the bankers, the cheque, in its cancelled state, is his evidence against the payee that the debt has been discharged. When the drawer draws on a fund in the bankers, which he is specially empowered, in respect of some office or situation which he holds, to draw upon, it is his voucher as against his constituents, to whom the fund belongs, that the debt to the payer has been duly discharged. In either case equally the cheque or the piece of paper is the property of the drawer." Most London bankers return the cancelled cheques each time they post up the customer's pass-book. Some of the country banks return the cheques only when specially requested to do so, but some of the old-established private firms, both in London and the country, make a practice of never returning cheques. If a customer of one of the latter were to insist on having his cheques returned, the practical result would probably be, that, as regards all future transactions, the bankers would prefer discontinuing the account to breaking through their usual rule. The law, however, is as we have said.

MR. BRUCE STATED, in the House of Commons, on Thursday, that there was no truth in the report that the Habitual Criminal Bills would be dropped. The annual "slaughter of the innocents," however, as it is called, has begun upon other measures. Thus, the County Coroners Bill, to which we alluded last week, has just been withdrawn. We sincerely trust that next session another bill will be introduced and carried, rendering the office no longer elective in counties. *Apropos* of a late contest for the coronership of the Western Division of Middlesex, we notice the name of one of the medical candidates in the week's reports of proceedings in bankruptcy, the gentleman in question attributing his bankrupty to heavy expenses in contesting the validity of the election with the successful candidate. The doubts, and the consequent litigation in that case, arose from the peculiar inconvenience of the franchise in county coroners' elections being vested vaguely in the freeholders of the county, without further qualification or description. If, as the late bill when amended proposed, the franchise were restricted to persons on the Parliamentary register, the evil would be lessened, But the measure should strike at the root of the evil at once by making the office no longer elective. There is no reason why candidates for county coronerships should have to hazard the expense of an election and go through the disagreeables of canvassing, and every reason why the office, having regard to its functions, should cease to be elective.

WE ARE GLAD to learn from the *Philadelphia Ledger* that there is some chance that the London Banks will take steps to secure the absolute safety of securities left with them by their customers. It will be remembered that in *Giblin* v. *M'Mullen* (17 W. R. 445) the Privy Council gave judgment on the question of the liability of bankers for the loss of securities deposited with them. They decided, following the authority of many well-known cases, that bankers are not liable for such losses unless they have been guilty of negligence. This decision surprised many persons who thought that their securities, when deposited with their bankers, were perfectly safe, and that the bankers were liable for any loss. The case is, however, only an illustration of a rule of law familiar to all lawyers, amongst whom this decision created no surprise.

Although *Giblin* v. *McMullen* is good law, it would still be very desirable if some system could be adopted which would give absolute security to depositors. In our notice of *Giblin* v. *McMullen* amongst the recent decisions (*ante*, p. 395) we pointed out that the only way in which perfect security could be given to depositors of securities would be by an arrangement between them and the bankers, by which the bankers should *insure* the safety of the securities—*i.e.*, should agree to indemnify the owners for any loss, however caused. The depositor would then be safe from any danger, except the inability of the bank to discharge its liabilities.

There ought to be very little difficulty in establishing an arrangement of this sort, which might be equally beneficial to depositors and bankers.

The depositor might pay a small per centage on the value of his securities as an insurance, in return for which the bankers might insure the safety of the securities. Few depositors would object to pay such an insurance, as its advantages would be so obvious. They would then be absolutely safe, while on the other hand the bankers would be equally safe, because by charging a low rate of insurance on all securities deposited with them they could easily raise a fund amply sufficient to compensate them for any occasional loss.

This is a question that ought to attract more public notice than it has yet received, and we hope it will not be forgotten until some satisfactory course of business has been settled upon.

A QUESTION as to the jurisdiction of magistrates to whom an application is made for sureties to keep the peace, was raised last Thursday at the hearing, before Mr. Knox, of the charge of perjury against Mr. Grenville Murray. It was stated by Mr. Grenville Murray's counsel that if on such an application the evidence shows that an assault has been committed on the complainant, the magistrate has no jurisdiction to commit for the assault against the wish of the complainant, but can only require sureties for the peace as asked for in the information, his power of adjudication being confined within the limits of the information.

Mr. Knox seems to have been much surprised at this proposition of law, and is reported to have said that he never heard of this doctrine. Mr. Grenville Murray's counsel cited *Reg* v. *Denry* (20 L. J. M. C. 189), which fully bears out his statement; and this case is cited both in Ooke's Magisterial Synopsis and in Paley on Summary Convictions as establishing this point of law in the manner stated.

The *ratio decidendi* in *Reg* v. *Denry* is that the "party assailed has several remedies. He may proceed by indictment or by action, or he may apply for a summary conviction . . . but if he applies to the magistrate he is barred of his other remedies," and therefore a magistrate has no "jurisdiction to convict summarily . . . when the complainant does not intend to give the magistrate jurisdiction to deal with the assault."

This view of the law certainly seems most in harmony with the principle on which sureties to keep the peace are required. It is a method of procedure which, at least in form, is for the purpose of preventing the commission of offences in the future, and not for punishing offences already committed.

THE BILL FOR LEGALISING MARRIAGE with a deceased wife's sister, after all the forms of the House had been exhausted in endeavours to hinder its progress, has at length passed the House of Commons. It is not the first time that a bill for this purpose has passed the Commons. Apart from the view which the Upper House may take of the question, the lateness of the season may militate against the passage of the measure through that House, though it is hardly to be imagined that the

Peers will descend to the use of such implements of opposition as repeated motions to adjourn. We much desire that the bill may pass this session, believing that no harm can possibly result from the permission, while much good must inevitably follow.

Upon the argument of this question it has often been pointed out that among the early Christians the superstition against second marriages of any kind amounted almost to fanaticism. In one of the year-books of Edward III. is a case which shows very curiously the traces of this notion—one Hugo having been denied his benefit of clergy as being "*bigamus*," because he had married a widow.

WE ARE HAPPY to announce that Lord Justice Selwyn continues to make satisfactory progress towards recovery from his late illness.

THE REPORT OF THE SELECT COMMITTEE ON THE REGISTRATION OF VOTERS.

The Select Committee of the House of Commons appointed at the instance of Mr. Vernon Harcourt, and of which he acted as chairman, have reported upon the amendments which they consider desirable in the laws affecting the registration of voters in boroughs in England and Wales. We have several times called attention to the fact that the system of registration in counties was at present much more defective than that in boroughs, and it certainly detracts very much from the value of this report that the inquiry was not extended to the case of counties. We perceive from the report of the proceedings of the committee that it struck some of the members that the case of counties demanded more attention than that of boroughs. Of course, there must always be considerable difference between the system of registration for counties and for boroughs, and the present report may possibly lead the way to considerable improvements in borough registration. Piecemeal legislation, however, always leads to unsatisfactory results, and we fear that if any legislation is based on this report alone, it is likely to be of that character.

Besides having, according to their instructions, considered only the case of boroughs, the committee have, in effect, confined their attention to large boroughs, and their recommendations are based on grievances which they report to exist, but which we imagine would be almost [entirely confined to large boroughs. With these preliminary remarks we pass on to notice the recommendations of the committee.

They point out what is most undoubtedly true, that the voters' grievances in registration matters (except, perhaps, those of lodgers) are due almost entirely to the imperfections of the first list. These imperfections they attribute partly to the fact that the persons legally responsible for their preparation—that is, the overseers—are not permanent officers, and do not, therefore, gain experience year by year, and consequently that the subordinates who really do the work are not under efficient control. In the next place they notice the fact that the list supposed to show all persons qualified on the 31st of July must be published on the 1st of August, and that, therefore, changes of occupation taking place towards the end of the qualifying year cannot possibly be shown upon it. Besides this, the frequent inaccuracy in practice of the occupiers' column in the rate-book, from which the register is formed, is pointed out, together with the causes of that inaccuracy, and the difficulties in the way of practically remedying it.

It is proposed to have a single officer in each borough whose duty it shall be to make out these lists of voters, not only from the rate-books and other documents as at present, but by personal and house-to-house inquiry to be made by himself and his subordinates. The committee, on account of the expense, do not feel justified in recommending a special officer for this sole duty, but they have endeavoured to find some existing machinery which can be utilised for the purpose. Accordingly they recommend for the position of registrar of voters in boroughs persons whom they classify under the general terms "the clerks to the assessment authority." These will be in the great majority of cases the clerks to the Union Assessment Committee. In the metropolitan boroughs, for the most part, the vestry clerks who now really prepare the lists of voters, on behalf of the overseers, and whose efficiency is recognised by the committee, would be the persons answering most nearly to the description given. The case of a few boroughs would either from their being in more than one union or from other special causes, require special provisions; but there would be no difficulty in providing for these cases, either by express enactments in schedules to the Act which is to carry the scheme into effect, which we should think most desirable, or in the way suggested by the committee, by entrusting some power to the Poor Law Board of appointing in such case the registrar of voters. It is needless for us to point out to our readers that the gentlemen designated for this duty would be in most cases solicitors, and gentlemen fully competent to perform such duties; and at all events if the duties of the office are increased, and an additional salary provided, there can be no doubt that the services of extremely competent persons will be secured for the future.

The committee not only recommend that the registrar of voters shall make out the first lists of voters, which, of course, he would be likely to do much better than it is done at present, except where that duty is entrusted to a careful vestry clerk, but also that he shall have some power of preliminary revision. Within a month after the publication of the lists, objections and claims of persons omitted are to be sent to the registrar. These objections and claims the registrar is then to investigate himself by the light of such information as he can obtain. He is then to put against the claim or objection in the list, "allowed" or "disallowed," as the case may be. This apparently is not intended to be a judicial investigation, but the registrar is to ascertain the facts by inquiry, the object being to prevent, if possible, the necessity of the parties attending before the revising barrister. The claimants and objectors are to have a right of persisting in their claim or objection, notwithstanding its having been marked on the list as disallowed; but unless they give notice of their intention to do so, the revising barrister is to act on the registrar's opinion. The registrar is also to be allowed to correct his first list of his own accord, merely giving notice to persons whom he proposed to omit on the ground that they had been erroneously inserted. All these provisions, it is needless to say, would, in many places, be very considerable improvements, and even if not wanted everywhere, owing to the lists now being reasonably well prepared, would certainly be unobjectionable.

The case of lodgers is provided for by requiring them to give a mere notice of their claim to the registrar, which he is to investigate, and if satisfied of its validity he is to put the name in the list. In fact, he is to make out the list of lodgers as well as of householders, only he is not to be taken to know or have means of knowing anything of the existence of the lodger, unless his attention is drawn to him, while he is supposed to be able to investigate the cases of householders without without this information. He is also to inquire into the case of lodgers who have been on the register in the previous year, so as to ascertain whether they are qualified again or not.

The duty of serving notices of objection is also to be thrown on the registrar and his staff; the notices are in all cases to specify the ground of objection, and the objector, before being able to call on the voter to support his vote, is to give *primâ facie* evidence as to his objection. These provisions, or the latter at all events, are more doubtful than the others. No doubt one of the most substantial grievances arising

out of the present system is the facility of striking off good votes on account of errors of description or change of residence. It is only necessary to ascertain that some supposed political opponent has either left the address given on the register, or has had his address wrongly described. Upon that a notice of objection may be sent to the wrong address given on the register. The notice in that case is scarcely likely to reach the voter, and probably will be returned to the objector through the Dead Letter Office, who will thus know that his notice has not reached the victim. Yet he may calmly produce his duplicate notice before the revising barrister and have the name struck off for default of appearance, though he knows that there has been no notice in fact, and though he possesses himself the information required to supply the defect in the register, and which, if the revising barrister could extract it from him, would preserve the vote. This, doubtless, is a state of things which requires some remedy. We are inclined to think, however, that the course we recommended last year would suffice—viz., that the Post Office authorities, instead of returning these undelivered notices when opened at the Dead Letter Office, should send them to the revising barrister, or, if such an officer is to be appointed, the registrar. If that were done, the non-delivery of the notice would be known, and the revising barrister would be empowered to inquire whether the qualification did not still continue, notwithstanding the error as to the residence. It should be observed also that with the increase of accuracy which the committee's scheme ought to give, there should be few errors in describing the residence; and if the non-delivery is caused by a change of residence, then in the case of a borough voter the qualification is in most cases lost. It is, however, we think, with several of the witnesses examined before the committee, decidedly undesirable to throw the onus of proof on an objector. The committee appear in some of their recommendations to assume that it is the duty of the public or the Government, or at all events of any one else but the voter himself, to take trouble about placing him upon the register. We quite agree that considerable facilities ought to be given, and that it ought to be possible for anyone entitled to vote, whether working man or gentleman, if he chooses to take the trouble, to get his name on the register without either having to seek the assistance of some political association, or being obliged to expend money or any considerable time, which often is the same thing, to effect his object. At the same time we do not think everything ought to be done for him, and if a man will take no trouble about his vote, except when an election is actually pending, he had better not have it. Objectors do much to make the register more perfect, and we have considerable doubts whether any system can be so perfect, that their services would not in the interests of the public be required. Yet the recommendations of the committee as to costs and the onus of proof will so discourage objectors, that if they were adopted, the accuracy of the register would, we think, depend solely on the zeal and care of the registrar. We cannot help thinking both from his examination of some of the witnesses and from some of the expressions in the report which was drawn by him, and adopted with but few alterations, that the chairman of this committee holds those patronising views towards working men which are the fashion with a certain school of politicians, but which we always imagine to be most offensive to the best members of the class. If a working man cannot get on the register without so much care being taken of him as some of these gentlemen seem to think necessary, we should think he is best not there at all.

What regard to revising barristers, the committee do not propose any very extensive alterations, except that they anticipate that the effect of their recommendations as to the preparation of the list of voters would be gradually to diminish their work. They do, however, suggest what we have always endeavoured to enforce, and which is sufficiently obvious to every one, that revising barristers ought to have a more effectual power of amendment. They further make a useful suggestion that revising barristers should be under the general control of the Court of Common Pleas, which should issue rules for their observance on matters of practice. This would of course tend to bring about the uniformity which is so desirable; and as the Court would doubtless delegate the actual forming of the rules to revising barristers of discretion and experience in such matters, there would be no difficulty in the matter. The committee only examined one revising barrister, Mr. Leofric Temple, of the Northern Circuit, and he made some valuable suggestions, especially one, that the revising barristers should be appointed early in the year, so that the persons who have to make out the lists may consult him on any points of difficulty as to their preparation.

It is an essential feature of the scheme of the committee that the day on which the qualifying year is to end should be thrown back, and they suggest the end of May. It would be desirable if possible to make the day later than this; because the earlier the day the farther it will be from the time when the register is practically used by an election taking place, and of course the longer this interval, the more votes, bad upon a scrutiny, will be given. Thus, an election, say, in December, 1871, would take place upon a register showing the persons entitled between 31st of May, 1869, and the 31st May, 1870, and of these many would be disqualified by removal from the borough or subsequent receipt of poor law relief, and many would be dead. Thus not only might disqualified persons vote, but facilities for personation would be increased. There must always be a balance of advantages; the more accurate a register is made by the expenditure of time upon its making between the qualifying day to the register coming into force, the more inaccurate it will have become by the time it is wanted for use.

REAL PROPERTY LAW REFORM—THE RULE IN SHELLEY'S CASE.

The present generation can scarcely realise the fact that there was once a time when the opinion of a Lord Chief Justice upon an abstruse question of conveyancing law could be the talk of the town for weeks. Law reform is now so much the order of the day that abolitions, remodellings, and simplifications have long ceased to surprise anyone. Since the days when an opinion of Lord Mansfield set all the lawyers by the ears in two factions of Shelleyites and anti-Shelleyites, besides drawing down on the great judge the fierce denunciations of Junius, who accused him of wanting to overthrow the laws of England, there has happened a grand turn of the tide. The reforms made are so many indications of the direction in which the current runs. A very few generations of lawyers have passed away since the tendency was all for form and technicality, and "valuable forensic inventions;—" whether in consequence of the accumulations of the previous cycle having become unbearable, or from ever recurrent reaction and oscillation, it is now all for clearing up and cutting down. This is apparent both in legislative reforms and in the tone of judicial decisions, and the tendency shows to the greatest advantage in the latter.

We are going to concern ourselves just now with the particular section of law just alluded to. "The rule in *Shelley's case*"—"that when the ancestor, by any gift or conveyance, takes an estate of freehold, and in the same gift or conveyance an estate is limited either mediately or immediately to his heirs in fee or tail, the word 'heirs' is a word of limitation of the estate of the ancestor," who takes the whole fee—is one of the first bits of law which most law students learn; it is eminently adapted to be learnt by rote without being comprehended. It is, as Mr. Joshua Williams points out, obviously of far more ancient date than the case, *temp.*

Elizabeth, with which it is identified. We do not propose to discuss its origin in this place, beyond pointing out that it is a very natural sequence from the incapacity of alienating which attached to the freeholder of old times. When the tenant could neither sell nor devise, a gift to A. for life with remainder to his heirs would, in practical effect, amount to the same as a gift to A. in fee, or rather, a gift to A. in fee would confer no greater freedom on A.; and it was not strange that the former limitation should be always represented by its shorter equivalent.

As the power of alienation arose the expressions ceased to be synonymous, but in the meantime the synonyme had become a fixed legal doctrine. It is perhaps the principal evidence of the inconvenience of this technical rule or doctrine (for great lawyers have differed as to which of the two it should be styled) that a large volume may be written upon it without exhausting the subject, and what is worse, without leaving its effect clearly ascertained. Now the rule itself is as much a rule of law as the rule of the descent of real estate *ab intestato;* given an estate of freehold to the ancestor, and it is a rule of law that the same gift cannot make his "heirs" *purchasers* of the reversion in fee. Where they take by descent, that is tantamount to the ancestor taking the fee at once, and the power of alienation attached to an estate in fee thus enables the ancestor to frustrate the testator's intention. Whether or not a particular gift comes within the rule is a question of construction.

Baron Surrebutter, in his stroll round the limbo of departed lawyers and litigants, is made to say—"My attention was arrested by a miserable looking ghost, surrounded by books and papers, which, with a bewildered countenance, he was vainly endeavouring to read through. Upon inquiry I found that this was the shade of the celebrated Shelley, who, for some misdeeds committed upon earth, had been sentenced to read and understand all the decisions and books relating to the celebrated rule laid down in his own case." "The mind sinks," said Lord Eldon, "beneath the multitude of cases" (*Jesson* v. *Wright*, 2 Bligh, 1).

Shortly, we may take the result to be as follows:—

Where the words "heirs" or "heirs of the body" are used, the ancestor takes the fee, even though the testator has added words of distribution (*e.g.*, "share and share alike") or an ulterior limitation to the heirs of the second generation, or other expressions inconsistent with the notion of the ancestor's taking more than a life interest. The words "issue" (and in some cases even "children") have the like effect, but not quite so strongly, it having been held by the Court of Queen's Bench in a late case of *Bradley* v. *Cartwright*, L. R. 2 C. P. 511, that words of distribution may by implication control the words "issue," so as to limit the ancestor's estate to a life interest.* And whatever be the words employed, even if the phrase be "heirs," a downright explanation by the testator that he meant sons or daughters will prevent the Rule from operating. If the testator has not been his own conveyancer, but has created an executory trust to settle lands on limitations sounding like that in the Rule, the Courts, in directing the settlement, incline to give effect to any indication of an intention that the first taker should not take more than a life interest.

The Rule itself has very often been stigmatised as a pitfall for testators, frustrating their intentions by giving the absolute disposal to persons intended only to enjoy for life, and thus enabling such persons to deprive the ultimate beneficiaries of their share in the testator's bounty. The testator may have meant that A. should only enjoy for his life, and that the reversion should be a provision for his children or some one else. If, however, the gift comes within the Rule in *Shelley's case*, A. gets the fee simple or becomes tenant in tail, as the case may be, and can at once sell every atom, and so destroy all the hopes of all who were to come after him. We have lately received a pamphlet written by Mr. W. Wiley, one of the Registrars of the Principal Registry of the Irish Probate Court, in which a very earnest appeal is made for the Legislature to abolish the rule. In the words of Cockburn, C.J., in *Jordan* v. *Adams* (9 C. B. N. S. 497), Mr. Wiley urges that "it despotically fixes on the testator a purpose which he never entertains, and enforces a construction by which it is as clear as the sun at noonday that his intention is violated."

He then classifies as follows the instances in which the Rule defeats intention by converting the life interest which the testator meant to give into an estate tail:—

"1. Cases where after a life estate given to the parent or ancestor, followed by a devise to the 'heirs of the body,' words of limitation are added to the words 'heirs of the body,' which would be totally unnecessary if it was intended that the parent or ancestor should get an estate tail.
2. Cases where after the words 'heirs of the body' words of distribution are added, totally inconsistent with the devolution of an estate tail.
3. Cases where, after an estate for life is given to the parent, there is a devise to his 'issue,' and words of limitation are added, which would be wholly unnecessary if an estate tail was intended.
4. Cases where words of distribution are added to the word issue, totally inconsistent with the devolution of an estate tail.
5. Cases where the words 'child,' 'son,' and 'daughter' have been held to be words of limitation conferring an estate tail."

We agree with Mr. Wiley that the Rule in *Shelley's case* is a grievance; but he has rather overstated its amount. The rule is not necessarily bad because it defeats the intention of testators. No rules oftener defeat testators' intentions than the rule against perpetuity and the law which permits a tenant in tail to bar the entail and sell the land. Probably a majority of testators would like, if they could do so, to tie up their property longer than the law allows them: some of them try to do so, and fail, at the expense of intestacy; but it would not be well on that account to abolish or even remodel the rule against perpetuity. Undoubtedly the Rule in *Shelley's case* must frequently disappoint the intention when the will has been drawn by the testator himself or some other layman. Precisely the same again may be said of the rule against perpetuity, and that objection amounts to this, that as long as there are rules of law they will bruise those who do not know them oftener than those who do. When our real property law is simplified, as we hope to see it one day simplified, to the utmost possible degree, there will still remain some things which to inexperts will be technicalities. And for this simple reason, that the ownership of land must ever be a matter of title rather than of possession. It may sound illiberal, but we do not think "unlearned testators" who draw their own wills are entitled to very much pity. It is common, whenever a doubt arises about the effect of a will, to place it to the account of the "glorious uncertainty of the law." In many cases the doubt arises simply from the testator's want of forethought, or his imperfect style of putting his wishes on paper. Events—births, deaths, or what not—may occur which never occurred to the testator at all. Or he may use words with a certain meaning in his own mind, without reflecting that the next person who saw them might read them in a totally different sense.* In the first case he really has expressed no intention respecting the devolution in the events which have taken place; in the second, it is hard to say what is meant: but in either case the Court endeavours, if possible, to get at his mind. And however the law may be simplified, an expert acting

* The Wills Act, by restricting the meaning of the words "die without issue," though leaving them to the old law where they follow an estate tail, somewhat narrowed the operation of the Rule.

* We remember a devise to A. (a relation of testator's), and after him to "the heirs female," in which it was utterly impossible to determine whether the testator meant A.'s heirs or his own.

on instructions will always make a better will than a testator could do for himself, just as an architect will design him a better house.

After all is said, there remains this,—the Rule is technical, there is no longer any reason for it, and it has therefore become a purely arbitrary rule; it disappoints intentions, it leads to litigation, and has no counteracting advantage,—and Mr. Wiley is quite right in saying that it should be abolished. As to the mode in which the abolition should be effected, we differ from him again. He enumerates seven rules by which he desires that the property should be preserved for the descendants, allowing the ancestor to take a life estate only. Six of these are derived from the five instances above-mentioned; the seventh is designed to assist the practical working of the alteration, by providing that where distributive interests are given "the tenant for life should have the power of selling the fee under proper restriction, the money to be produced, deducting the value of his life interest, to be settled on the trusts of the will." A better plan would be simply in a short Act to abolish the Rule in *Shelley's case* at once, either by name or description. The testator's indications of intention would then have free scope for operation, without the confusion and difficulty of interpretation which would inevitably arise from substituting six or seven benevolent rules for one harsh one. But if even if this were done, there would be this evil, that the authorities would be thrown into a far more troublesome state than at present. There would be hundreds of decided cases of which it would be almost impossible to say whether they had any effect left them or not.

We are firmly convinced in our own mind that the time has now arrived when a careful hand should remodel our whole real property law by abolishing all that has become purely arbitrary. In effect this would probably be to remove almost every trace of feudalism. Such a change *will* be made, and we should prefer to see it made once for all, rather than piecemeal.

RECENT DECISIONS.

EQUITY.

Dividends in a Winding-up on Debts that carry Interest.

Re Humber Ironworks Company, Ex parte Warrant Finance Company, L.J., 17 W. R. 780.

The rule in bankruptcy where a debt carries interest is to treat the principal, together with the interest accrued due up to the commencement of the bankruptcy, as the amount upon which dividends are to be paid; but no interest is computed thenceforward, unless the estate be more than sufficient to pay 20s. in the pound.

The Lord Justices decided in this case that the rule in bankruptcy is to be applied for the future to cases of winding-up. The creditors in a winding-up, where debts carry interest, will be thus entitled only to receive dividends on the amount of principal and interest together down to the commencement of the winding-up, where the company is unable to pay its debts in full. If, however, there should prove to be a surplus, the rule adopted by the Court in the administration of dead men's estates will be followed, as expressed in *Bower* v. *Marris*, Cr. & Ph. 351. The moment there is a surplus the creditor whose debt bears interest is remitted to his right under his contract, and, there being enough to pay everybody in full, the payments already made will be treated as payments on account, and interest be paid on such debts as carry interest from the commencement of the winding-up down to the date of their payment in full.

The Master of the Rolls had held that the dividends ought to be paid upon the principal of the debt, and the interest due on it as they respectively stood at the time when the dividend was declared, at the same time recommending that the question should be taken to the Court of Appeal.

We take the question to be now finally settled. It has been the cause of much diversity of opinion, and the practice has not been uniform. It seems singular that the point should not have been decided before. The justice of the decision appears to us to lie in the fact that was observed on by Lord Justice Selwyn, that the creditor whose debt carries no interest ought not to be prejudiced by the delay which necessarily takes place in realising an estate through the court, as would be the case if dividents were to be paid on the amount due from time to time in respect of interest, as well as of the principal, in the case of debts which do carry interest; inasmuch as every day's delay would reduce the amount ultimately coming to the creditor whose debt does not carr y interest; while, on the other hand, where there is a s urplus after payment of principal and interest up to the commencement of the winding-up, it is only just that the creditor whose contract entitles him to interest should be remitted to the benefit of that contract as if the winding-up had never taken place.

COMMON LAW.

Interrogatories—Fishing and Criminating Questions—Practice.

The Mary or *Alexandra*, Adm., 17 W. R. 551, 627.

The rules which govern the administering of interrogatories in the common law courts have been discussed very often during the last few years, and several cases have quite lately been decided on the question of criminating interrogatories—*i.e.*, interrogatories the answers to which would tend to expose the person answering to criminal proceedings. The general rule at common law is that interrogatories which are *bonâ fide* directed to the discovery of the facts necessary to substantiate the case of the party administering them will be allowed. Where the interrogatories come within this rule, but are of a criminating nature, a difficult question is raised, and one on which, as we have said, there have been several late decisions. The last case on this subject in the common law courts is *Villeboisnet* v. *Tobin* (17 W. R. 322), and in commenting upon this case (*ante* 498) and on others on the same question we laid down as the result of the cases that "the law now is that interrogatories will not be allowed if their direct object is to criminate, but if they are put *bonâ fide* for the purpose of discovering matters relevant to the issue, it is not a sufficient objection to them that they tend to criminate if there are any special reasons why such interrogatories should be allowed."

By section 17 of 24 Vict. c. 10, the Court of Admiralty is given the same powers as the superior courts of common law have to compel either party in any cause to answer interrogatories. *The Mary or Alexandra* appears to be the first case in which a question has been argued and decided as to the practice of the Court of Admiralty under this section. The plaintiffs sought to administer certain interrogatories to the defendant, who objected that the questions were superfluous, and inquired as to matters of which he was ignorant, and led to answers which would criminate him under the Foreign Enlistment Act (59 Geo. 3, c. 69). As to the general practice in allowing interrogatories, Sir R. Phillimore said, "the cardinal principle by which I intend to be governed in this matter is that the interrogatories ought to be such as tend *bonâ fide* to support the case of the plaintiff, and to favour a complete inquiry into the truth of the issue which the Court has to decide." On this principle the two first objections were overruled, as Sir R. Phillimore thought that the questions were not superfluous, and that if the defendants were ignorant of the facts inquired into they could so state in their answers.

As to the third objection, viz., that the questions were of a criminating nature, it was held that this objection must be made on oath in the answer, and was not a sufficient reason refusing to allow the interrogatories; "but if the defendant states upon oath his belief that an answer to any particular interrogatory would subject him to the

penalties of the Foreign Enlistment Act, he will not be compelled to answer such interrogatory."

The effect, therefore, of the decision in this case seems to be practically that the Court of Admiralty will follow the practice that has been established in courts of common law as to allowing or disallowing interrogatories.

It is as well to notice that the judgment contains an incorrect statement of the decision in *McFadzen* v. *The Liverpool Corporation* (16 W. R. 1212), which was not reported when the learned judge wrote his judgment. We call attention to this as *McFadzen* v. *The Liverpool Corporation* is of considerable importance on the question of criminating interrogatories, and it is desirable that its effect should not be misunderstood. It will be found noticed amongst the Recent Decisions, *ante* 115.

The interrogatories in *The Mary or Alexandra* were duly administered, and the matter came again before the Court on the question whether the answers were sufficient. Sir R. Phillimore held that the answers were not sufficient, and made an order for the oral examination of the defendant under section 53 of the Common Law Procedure Act, 1854.

REVIEWS.

An Analysis of the Indian Penal Code (Act xlv. of 1860); with Notes. By John Cutler, and Edmund Fuller Griffin, Esqs., Barristers-at-Law. Butterworths.

While an awkward attempt is being slowly made in England, dragging on its weary length with the cumbrous machinery of commissions and the like, to digest the law of this country with a view to future codification, the Government of India have boldly taken a step in advance, by actually systematising and arranging several branches of the law, and giving to the portions thus systematised and arranged a statutory sanction. Among the most important of the codifying Acts thus produced are the Civil Procedure Act and the Indian Penal Code. The latter is the subject of the work before us, and Messrs. Cutler and Griffin have shown sound judgment in publishing such a work at the present time, when the legislation and judicature of our Indian Empire are becoming more important than ever, and when the study of the laws which govern it is becoming, even in England, almost a regular part of university and legal training. It may be added that the code is just at present out of print, so that the production of an analysis at the present moment is especially opportune.

The Indian Penal Code consists of no less than five hundred and eleven sections, which are distributed according to subjects, into twenty-three chapters or groups. A table of contents, giving the names of these chapters in order, would be a great improvement, and we throw out this suggestion for the consideration of the authors, in case the book should pass into a second edition. The matter of the code differs in many respects from that which would enter into a similar enactment in England. In some instances the special application of particular clauses is obvious, as, for instance, in the sections on dacoity, waging war against an Asiatic power in alliance with the Queen, overawing the Governor-General, &c., offences which in the nature of things cannot form the subject of an English enactment. Where, however, the law differs merely by force of the Indian enactment, the variation is always pointed out in a note. Thus, at page 13, where we find in the text that there may be instigators—*i. e.*, accessories—in the case of all offences, a note reminds us that in England there can be no accessories to a misdemeanour. The statement of the matter of each section in the text is extremely brief, as indeed it ought to be; for a lengthy analysis has neither the authority of an original work, nor the handiness, so to speak, of a summary. To write a long review of a work of this character is impossible. It is sufficient to conclude our observations by stating that, in spite of some inaccuracies, which are probably due to haste, Messrs. Cutler and Griffin have produced a useful little book, and produced it at a time when it will be especially useful.

Al Sirajiyyah; with Notes and an Appendix. By Almaric Rumsey, Barrister-at-Law. London: W. Amer.

It may be regarded as a healthy sign that English lawyers are beginning to devote some attention to Indian law. That this is so, is evidenced by the fact that several treatises on different branches of the law administered in the Anglo-Indian Courts have lately emanated from the English press. The painful ignorance of all but the rudiments of these laws often manifested in the Privy Council appeals from India has been animadverted upon rather severely by the natives of India. It is indeed somewhat unworthy of the high dignity of a court of appeal that cases should be entrusted to advocates who get up the law in the same way that they do the facts of their brief. Perhaps we are at the beginning of a better *régime*.

One of the latest contributions to the English works on Mohammedan law is Mr. Rumsey's reprint of Sir William Jones's translation of "Al Sirajiyyah" with some notes and appendix. The Sirajiyyah is a great authority in India upon questions of Mohammedan inheritance according to the Suni school. As such Sir William Jones published a translation of it in 1795 together with a compressed version of the Sharifiyyah, a native commentary upon it of such weight that Warren Hastings had a translation of it made into Persian at the same time that the Sirajiyyah was translated into that language by his orders. From that commentary Mr. Rumsey has drawn largely—but without acknowledgment—in his notes. In fact, the only authority that he quotes in the notes is his own "Chart of Mohammedan Inheritance." What void in a law library Mr. Rumsey desires to fill by reproducing the Sirajiyyah, when Sir William Jones's translation is available, it is difficult to see.

Setting aside the preface, which we strongly object to, Mr. Rumsey's work seems to have been executed with considerable care, and the notes, although too diffuse, are useful to the beginner.

A Plea for Testators. Part I. The Rule in Shelley's Case. The mischief, and a remedy suggested. By William Wiley, LL.D., Advocate and Barrister-at-Law; one of the Registrars of the Principal Registry of the Court of Probate in Ireland. London: Stevens & Haynes.

This is the work referred to in an article on Real Property Reform, printed in another column. The reader who has perused that article will need no further information as to the scope and the object of Dr. Wiley's little book. It is a work which we are very glad to welcome. Every voice must do some good which calls attention to the defects of our real property law—to the inconvenience of rules and doctrines which, though they once had a meaning, have now become purely arbitrary. And Mr. Wiley has pointed out with honest indignation—though with some little exaggeration—the very great inconvenience arising from the rule in *Shelley's case*. At the outset of his treatise he tells us that his object is to draw attention to two rules which produce great mischief—the first being the rule in *Shelley's case* and the second the rule under which chattels real or other personalty vest absolutely in the person who, if the property were realty, would be first tenant in tail. The work is then divided into two parts, of which the first, the present, treats of the mischievous effects of the Rule in *Shelley's case*, and suggests a remedy. In Part II., as we learn from the preface, a brief sketch of the history of this rule will be given, and we presume that the remainder of Part II. will be devoted to the second of the rules above mentioned, against which there is certainly much less to be said. We shall be glad to see Part II. when Mr. Wiley finds leisure to produce it. We trust, by the way, that Part II. will show an improvement for which there is some room. Owing partly, perhaps, to a not over-clear mode of expression, it is occasionally very difficult to discover the author's precise meaning, and this difficulty is augmented by a carelessness in the punctuation. In one or two passages referring to judgments in cited cases, the reader is obliged to consult the reports before he can discover at what precise point the quotation ends and the author recommences. Mr. Wiley, however, has still produced a book for which he deserves much thanks, and the painstaking manner in which he has collected the principal cases illustrative of the mischief arising from the rule in *Shelley's case*, render it one which students of real property law may read with much profit to themselves. Even to conveyancers we think that the collection of cases will be useful as a good digest of authorities.

Mr. Serjeant, Armstrong, Q.C.—We are happy to learn that Mr. Armstrong is completely restored to health and has resumed practice.

COURTS.

COURT OF CHANCERY.

STATEMENT OF THE NUMBER OF CAUSES, PETITIONS, &c., disposed of in Court in the week ending Thursday, July 22, 1869.

L. C.		L. J.		M. R.		V. C. S.		V. C. M.		V. C. J.	
AP.	AP. M.	AP.	AP. M.	C.	P.	C.	P.	C.	P.	C.	P.
0	0	0	2	24	40	20	19	16	30	10	33

COUNTY COURTS.

YARMOUTH.

(Before J. WORLLEDGE, Esq., Judge.)

June 17.—*Ellis* v. *Carr.*

The plaintiff, a sheriff's officer, sued the defendant, a solicitor, of London, for a sum of £2 11s. 6d., according to the following particulars—caption fee, £1 1s., mileage, twenty miles at 1s. per mile, expenses 10s. 6d. It appeared that the plaintiff had, on the instructions of the defendant, arrested a person at Yarmouth on a warrant and taken him to Norwich Castle. He stated that he always charged these fees, and never had them disputed. The defendant paid £2 1s. into court, and contended that under the Act regulating the fees of sheriff's officers (1 Vict. c. 55, ss. 2 and 3) the plaintiff was not entitled to a special sum for expenses, which were included in the other charges. Though he paid the caption fee, that too was an overcharge. The plaintiff produced a letter from the sheriff's office setting forth the fees, according to which he had charged.

Mr. WORLLEDGE said the sheriff had no doubt made a mistake; there was no justification whatever for the charge of 10s. 6d.; for the caption fee he could not charge more than 10s. 6d.

The Registrar.—The defendant has only paid 10s. 6d. too much into court.

The plaintiff asked for a short adjournment to telegraph to the sheriff's office for the Act.

Mr. WORLLEDGE said the plaintiff had not followed the sheriff's direction, "bailiff's fee for conducting the defendant to gaol, 10s.," the plaintiff having charged 6d. more. Besides, there was no such item at all in the statutory schedule. He could not allow the adjournment, for if the amount could possibly be claimed under some other head of expenses Mr. Carr had come to meet the particulars as framed.

Judgment for the defendant.

ROYAL COURT, JERSEY.

(Before the BAILIFF and Jurats AUBIN and LE MONTAIS.)

July 17.—*The Harbour Master* v. *the Agent of the Weymouth and Channel Islands Steam Packet Company. Admiralty case.*

The plaintiff, by means of an arrest effected on one of the steamers of the said company, sued for the recovery of £42 18s. 4d., the amount of the old and original harbour dues from the 3rd April to the 23rd May, and also for the recovery af £10 14s. 9d., the amount of the harbour-master's fees during that period.

Jurat LE MONTAIS.—Why have not my fees been paid for my attendance on the bench in the last case of the South-Western Steam-Packet Company? In all Admiralty cases we are entitled to two shillings fee.

The *Attorney-General.*—I'm not going to advance money for the public, nor will I do it. I cannot get paid my own fees.

Jurat LE MONTAIS.—But the harbour-master should advance the money. He is continually receiving harbour dues.

The *Attorney-General.* — The harbour-master cannot advance money without an order of the committee of harbours. If the jurats wish me to apply to the committee for their fees I will do so. But I certainly will not advance a single halfpenny for the public without the committee providing me with cash.

Advocate *Richard.*—This question also interests the bar, each member being entitled to a fee in Admiralty cases.

Jurat LE MONTAIS.—But the Greffier informs me his fees have been paid him.

The *Attorney-General.*—Yes, but my clerk has done so by mistake. I would not pay the Greffier's fees again.

The *Greffier.*—In that case the cause would not be inscribed on the list.

The *Attorney-General.*—I will not advance money for the public.

Advocate *Westaway* (ironicall).—After all, Mr. Gibaut's mode of receiving his fees in a lump sum from the treasurer is a much sweeter way of touching coin! (Laughter.)

Jurat LE MONTAIS.—The harbour-master must pay our fees.

Captain Briard.—You must make an order to that effect as my discharge.

Jurat LE MONTAIS.—You don't want anything of the kind. Shall we not be in the States to vouch for the order we now give you.

The BAILIFF.—My directions must be considered as a sufficient order. You must pay our fees. Now, gentlemen, we are ready to hear the matter.

Advocate *Westaway*, for the defence, said it was unnecessary for him to reiterate the arguments he used in the case of the *Harbour-Master* v *the South-Western Company*, for, knowing well the character of Mr. Le Montais, it would be useless to attempt to make him change his opinion.

After a short consultation, it was agreed that the same objections and orders would be made in this matter as in that already referred to.

Judgment was given against the company, and an appeal was granted to it.

APPOINTMENTS.

Mr. J. V. D. DE WET, Government Advocate at Moulmein, has been appointed Government Advocate at Rangoon, in succession to the late Mr. Donald Macleod, barrister-at-law, deceased.

Mr. ANDREW RICHARD SCOBLE, of the Bombay Bar, has been appointed Remembrancer of Legal Affairs to the Government of Bombay, in the room of Mr. J. S. White, promoted to be Advocate-General. Mr. Scoble was called to the bar at Lincoln's-inn in January, 1856, and for some years was commissioner for taking accounts and local investigations, and taxing officer to the High Court of Bombay; he also served as sheriff of Bombay in 1865.

Mr. HENRY FRANCIS PURCELL, barrister-at-law, has been appointed Secretary to the Commissioners appointed to inquire into the existence of corrupt practices in the borough of Bridgewater. Mr. Purcell was called to the bar at the Inner Temple in January, 1866, and is a member of the Norfolk Circuit.

Mr. J. C. O'DOWD, barrister-at-law, has been appointed to the office of Deputy Judge Advocate-General of the Forces, in the place of Mr. Vernon Lushington, Q.C., now secretary to the Board of Admiralty. Mr. O'Dowd is a son of Mr. James K. O'Dowd, of the Irish Bar, solicitor to the Marine Department of the Board of Trade; he was called to the bar at the Middle Temple in January, 1859, and has hitherto been a member of the Home Circuit. For some years past he has served on the editorial staff of the *Army and Navy Gazette*, as assistant to Dr. Russell, the founder and editor of that journal. As Deputy Judge Advocate Mr. O'Dowd will serve under the orders of the Right Hon. Sir Colman O'Loghlen, Bart., Judge Advocate-General, through whose influence he has obtained the appointment. The salary of the office is £1,000 a-year.

The Right Hon. EDWARD PLEYDELL BOUVERIE, barrister-at-law, has been gazetted as one of the Ecclesiastical Commissioners for England. Mr. Bouverie is the second son of the third Earl of Radnor, by his second wife, the third daughter of the late Sir H. P. St. John Mildmay, Bart. He was educated at Harrow and at Trinity College, Cambridge, where he graduated M.A. in 1838, being then in his twentieth year. He was précis-writer to Lord Palmerston at the foreign office from January to June 1840, and was called to the bar at the Inner Temple in January, 1843. He was elected M.P. for Kilmarnock in 1854, and served as Under-Secretary of State for the Home Department from July, 1850, till March, 1852; he was Chairman of Committees of the House of Commons from April, 1853, till March, 1855, when he was appointed Vice-President of the Board of

Trade; this office he held till August, 1855, when he was appointed President of the Poor Law Board; in this post he continued till March, 1858. In 1857 he was appointed one of the Committee of Council on Education, and was second Church Estates Commissioner from August, 1859, to November, 1865. In July of the same year he had relinquished the representation of Kilmarnock. Mr. Bouverie is a brother-in-law of Lord Penzance, the Judge Ordinary of the Probate and Divorce Court.

Mr. Charles Edward Challinor, solicitor, of Hanley, Staffordshire, has been appointed a Commissioner to administer oaths in chancery in England.

Mr. Thomas Husband Gill, solicitor, of Devonport, has been appointed a Commissioner for taking the acknowledgments of deeds by married women in and for the county of Devon.

GENERAL CORRESPONDENCE.

Browne *v.* Esmonde—Shorthand Notes.

Sir,—The application made by counsel for the plaintiff in this case, reported in the *Solicitors' Journal* of Saturday last, as I view it, is of some little interest.

Judge Warren held that a shorthand writer supplying a transcript of his notes to the plaintiff's attorney, notwithstanding he had been paid by the defendant's attorney for his work and labour done, would not be guilty of a contempt of court. Probably not. But he would, according to established practice in England, be guilty of a contempt of good faith. I have constantly acted upon this view of the subject, though, in some instances, not a little pecuniary loss has resulted and, I know that my professional brethren have done likewise. When engaged by one side no transcript is furnished to the other, if objection be raised, and it would be, I conceive, a manifest departure from professional usage and integrity to do that willingly, which the plaintiff's counsel in the case now under notice sought to make obligatory. Wilmot Knight.

PARLIAMENT AND LEGISLATION.

HOUSE OF LORDS.

July 16.—The *Bankruptcy Bill.*—On the order for committee the Lord Chancellor said he understood there was a desire that the bill should be referred to a select committee; but he thought they would be able to dispose of the bill satisfactorily in a committee of the whole House. He had been favoured with numerous amendments, but there was only one of considerable importance, which related to compensations. There was none with respect to the principle of the bill.

Lord Romilly recommended a select committee. It would not in the slightest degree delay the bill. He would undertake himself to adjourn his court for two or three days; he had a good many suggestion to make which he had not yet been able to put into the form of amendments. He had six hours every day to spend in his court, and he really had not been able to consider the mode of putting his amendments into shape. He held in his hand a letter signed by six firms of solicitors of the city of London, all of the very highest eminence, and they were of opinion, with respect to clauses 6, 7, and 11, that if the bill passed in its present shape a trader's credit might at any moment be utterly destoyed. There were many other points which he could mention and to which he should be desirous of calling attention in committee, but he would reserve these matters for the report.

Lord Cairns also advocated a select committee. For himself he must say he had endeavoured to read the bill and understand it, and there were a great many amendments which he should wish to introduce, but of which he had not been able to give notice, sitting, as he had to do, on appeals in that House during the day, and in the evening having other business to attend to.

Lord Westbury also recommended a select committee. He was delighted to find that one of the main features of this bill was the appointment of a chief judge in bankruptcy, an arrangement he had always advocated, and indeed had incorporated in his bill of 1861; but when the proposal was struck out of that bill its vital principle was gone, and on this account he objected to the enactment being described by his name.

Lord Chelmsford agreed in the desirability of referring the bill to a select committee.

The Lord Chancellor feared that a reference of the bill to a select committee would cause it to be postponed for the session. This would be greatly regretted by an immense number of mercantile men, who did not wish to see in another year that 6,500 bankruptcies out of 9,000 should yield no dividend. During the afternoon he had been waited on by a large deputation, representing thirty-seven chambers of commerce, most earnestly praying that the bill should pass this session. Their petition he had already presented to their Lordships' House. Besides this, the bill had been considered in the other House by a number of gentlemen eminent as barristers, solicitors, and mercantile men, who sat day after day in committee of the whole House, and, surely, if this could be done in the other House of Parliament, their Lordships could consider the bill in committee of the whole House, especially as that committee would be more select than the committee of the House of Commons.

Lord Romilly moved that the bill be referred to a select committee.

The motion was agreed to.

The *Imprisonment for Debt Bill* was referred to the same committee.

The *Court of Common Pleas* (*County Palatine of Lancaster*) *Bill* was read a third time and passed.

The *Irish Church Bill* was brought up from the House of Commons.

July 19.—The *University Tests Bill* was, on the motion for the second reading, thrown out by a majority of 91 to 54.

The *Municipal Franchise Bill*,—On the order for considering the report of amendments,

Lord Redesdale objected to the bill on the ground that it imposed obligations on women which could not but be objectionable to the sex. It was said that women had been appointed overseers; this was, no doubt, the case in default of any more eligible person, and there was also no doubt the duties were properly discharged in such cases; but it was one thing to appoint a woman under exceptional circumstances and another to make an objectionable rule.

The Earl of Kimberley said this was not a proposition giving to women the municipal franchise for the first time. Previous to the passing of the Municipal Act in 1835 women did vote at municipal elections, but that Act took away their right to do so. Subsequent local government Acts gave them the franchise in the places in which those Acts were in force; and hence arose the anomaly that, whilst they could vote in the numerous towns in which the local government Acts were in operation, when a town obtained a charter of incorporation they were excluded. Therefore this bill merely restored to women a franchise which they formerly enjoyed, and their Lordships were not discussing the wider and more doubtful question of extending to women the right to vote at Parliamentary election.

Lord Cairns said that as an unmarried woman could dispose of her property, and deal with it in any way in which she thought proper, he did not know why she should not have a voice in saying how it should be lighted and watched, and generally in controlling the municipal expenditure to which that property contributed.

The report of amendments was then received.

The *Bishops' Resignation Bill.*—The report of amendments was received, and certain amendments of the Archbishop of Canterbury were then agreed to.

The *Sunday and Ragged Schools* (*Rating*) *Bill* was read a second time.

The *Bankruptcy and Imprisonment for Debt Bills.*—On the motion of the Lord Chancellor, the following were appointed the select committee on these bills.—Lord Chancellor, Lord Privy Seal, Viscount Halifax, Lord Overstone, Lord Belper, Lord Chelmsford, Lord Westbury, Lord Colonsay, Lord Cairns, Lord Romilly, and Lord Penzance.

The *Stipendary Magistrates* (*Deputies*) *Bill* passed through committee.

July 20.—The *Charity Commissioners Bill*, the *Special Bails Bill*, and the *Assessed Rates Bill* passed through committee.

The *Fines and Fees Collection Bill* was read a second time.

The *Irish Church Bill*, as brought up from the House of Commons, was considered.

The *Companies Clauses Act* (1863) *Amendment Bill*, the

Bishops' Resignation Bill, and the *Stipendiary Magistrates (Deputies) Bill* were read a third time and passed.

July 22.—The *Bankruptcy Bill*.—The Lord Chancellor stated that the select committee had considered the measure and had reported to the House with some amendments.

Magisterial Qualification.—The Earl of Albermarle moved an address to Her Majesty for the return of the number of magistrates, distinguishing clergymen having cure of souls, and laymen, acting in each petty sessional district in England and Wales; also the number of magistrates, distinguishing clergymen having cure of souls, and laymen, who attended each petty sessional court during the year 1868. This was agreed to, and the noble earl gave notice of his intention of bringing in a bill next session to repeal the Act 18 Geo. 2, c. 20, which imposes a qualification for persons acting as justices of the peace.

The *Irish Church Bill*.—The Commons' amendments to the Lords' amendments were considered.

The *Companies Clauses Act* (1863) *Amendment Bill* was read a third time and passed.

The *Sunday and Ragged Schools Rating Bill*.—This bill was also read a third time and passed.

The *High Constables' Office, &c., Abolition Bill* was read a second time.

HOUSE OF COMMONS.

July 16.—The *Irish Church Bill*.—The consideration of the Lords' amendments was concluded.

The *Telegraphs Bill* was read a second time and referred to a select committee.

The *Trade Marks Registration Bill* was withdrawn.

The *Savings-banks and Post-office Savings-banks Bill* was read a second time.

The *Party Processions (Ireland) Bill* was withdrawn.

The *Railway Construction Facilities Act* (1864) *Amendment Bill* passed through committee.

July 19.—*Vagrancy*.—Sir. M. H. Beach asked the President of the Poor Law Board whether the returns showed an increase of vagrancy in the country during the past six months, and whether, if such increase continued, he would undertake to attempt legislation on the subject next session, and whether, in undertaking such legislation, he would consider the proposal to transfer the care of vagrants from the Poor Law authorities to the police, and the cost of their maintenance to the county or borough rate.

Mr. Goschen said the returns of vagrancy made to the Poor Law Board were half-yearly returns, made up to the 1st of January and 1st of July. The return for July instant had not yet been received. It appeared by the return of the 1st of January, 1868, the number of vagrants relieved was 6,129; by the return of the 1st of July, 7,946; and by the return of the 1st of January, 1869, 7,020. These returns showed a great increase in the number of vagrants relieved in the summer of last year, as compared with those applying for relief in January of the same year. On the other hand, the return for last January showed a decrease of 926, as compared with the preceding July. With regard to legislation, he stated that that subject would be considered irrespective of the question whether or not there had been any increase in vagrancy; and the subject of the transfer of the care of vagabonds from the Poor Law authorities to the police was under the consideration of the Home Secretary and himself.

The *Dublin Freemen Commission and Disfranchisement Bills*.—In reply to Mr. J. Lowther, Sir G. Grey stated that, as the House had sanctioned by a large majority the second reading of the Dublin Freemen Commission Bill, he did not desire to proceed with the Dublin Freemen Disfranchisement Bill.

The *Dublin Freemen Commission Bill*.—On going into committee, Mr. Collins proposed that it should be an instruction to the committee to include in the provisions of the bill an inquiry into corrupt practices at Youghal during the last election. The amendment was negatived by a majority of 184 to 78. The bill passed through committee, and was reported without amendments.

The *County Administration Bill* was withdrawn.

The *Mines Regulation Bill* was withdrawn, Mr. Bruce stating that it contained many valuable suggestions, and he hoped to be able next year to make a selection from them, and produce a bill in an improved form.

The *Trades Unions (Protection of Funds) Bill* was then read a second time.

The *Savings-banks and Post-Office Savings-banks Bill* passed through committee.

July 20.—*Admiralty District Registries*.—Mr. Graves, in moving for leave to bring in a bill to establish registries of the High Court of Admiralty in England, said that it was a purely permissive measure, and applicable only to those seaports which were willing to bear their share of the expense. It was proposed to provide machinery for ascertaining, collecting, and distributing the proceeds of general average. It was also intended that the Judge of the Court of Admiralty, or one of her Majesty's judges, should go on circuit to certain large seaports, such as Liverpool, Newcastle-on-Tyne, Sunderland, and North Shields, which supplied one-half of the causes in the Admiralty Court. Liverpool alone supplied one-third of the whole business of that court. He could not hope to pass the measure at so late a period of the session, but if he could pass it through its first stage, it might be considered during the recess. The bill was read a first time.

Hackney and Stage Carriages Law Amendment.—Mr. Bruce introduced this bill, stating it to be a provisional measure, which would intrust the Secretary of State, in what might be called the transition state in reference to cabs, with the same power as that possessed by municipalities throughout the country, of making bye-laws for the administration of those vehicles.

The *Marriage with a Deceased Wife's Sister Bill*.—Adjourned debate on going into committee.—The motion of Mr. Collins, "That it be an instruction to the committee on the Marriage with a Deceased Wife's Sister Bill that they have power to make provision therein for a woman to marry her deceased husband's brother," was negatived without a division.

After numerous motions to adjourn the debate and report progress had been negatived, progress was at length reported.

The *Dublin Freemen Commission Bill* was recommitted, and an amendment made to the effect that the commissioners should inquire into the conduct of all persons aiding in or abetting such corrupt practices. The bill was then read a third time and passed.

The *Savings'-banks and Post-Office Savings'-banks Bill* was read a third time and passed.

The *Witnesses (House of Commons) Bill* was withdrawn.

The *Court of Common Pleas (County Palatine of Lancaster) Bill*.—The Lords' amendments were agreed to.

July 21.—The *Special and Common Juries Bill*.—Lord Enfield, in moving *pro forma* the second reading of this bill, explained that its provisions were based upon the recommendations of a select committee of the House of Commons, submitted to and approved by the Judicature Commission. He would state the heads of the bill, in order that they might be discussed during the recess, and, he hoped, passed into law early next session. The proposed qualification of householders to serve on common juries was in towns with 20,000 inhabitants and upwards £50, and in towns with less than 20,000 inhabitants £30. For special juries the qualification was to be the occupation of a dwelling-house rated on not less than £100 value in the larger towns with the population already stated, or not less than £60 value in towns under that size; or else, in the case of a farm, a value of not less than £500. The qualification of jurors in Wales was to be assimilated to the qualification of England. Aliens after ten years' domicile were to be qualified to serve as jurors, and the trial *de meditate linguæ* was to be abolished. Some old exceptions from serving upon juries existing under local charters were to be done away with; and several great objections hitherto existing to the mode in which jury lists had been prepared would be removed. Jurors, in accordance with the recommendations of Sir W. Erle, would be entitled to remuneration for their services at the rate of one guinea per day for special jurors, and 10s. for trying common jury cases. They would also be allowed fire and reasonable refreshment at their own expense.

Mr. Graves objected to the clauses repealing the exemption. Officers in the Volunteer and Naval Reserve Forces should be exempted from serving on juries.

Mr. A. Young pointed out for future consideration the advantage that would accrue from reducing the numbers of the jury and from relaxing the rule which required a jury to be unanimous.

Mr. G. Gregory thought that suitors were entitled to have a common jury to try their cases as a matter of right, which they should not be called upon to pay for. If they chose to have their cases tried by a special jury, of course they must pay the extra expense thereby incurred themselves, but all common juries should be paid for by the State.

Mr. Alderman Lusk thought common jurors should have some increase of pay over that which they at present received. It was very hard upon them that they who could the least afford it should be kept away from their business for three or four days at a time and only receive a mere trifle for their attendance.

Mr. Wheelhouse hoped that the case of common jurors who tried criminal cases would not be lost sight of. Aldermen and town councillors ought to be exempted from serving on juries.

The Solicitor-General hoped that the House would agree to the second reading of the bill, although there was not much probability of its passing into law during the present session. The bill ably embodied the recommendations of the Judicature Commission, and was well worthy the attention of the House when it had time to attend to such matters. Nothing could be harder than the case of common jurors, who were taken, at the greatest inconvenience to themselves, from the class which worked the hardest and which was paid the least. He hoped that next year a measure would be brought in requiring special jurors to be also placed on the common jury list.

Mr. Henley said it was not right that grand jurors should also serve on petty juries.

The bill was read a second time.

The *Adulteration of Food or Drink Act* (1860) *Amendment Bill* was withdrawn.

The *Married Women's Property Bill.*—Adjourned debate on the third reading.—Mr. Raikes opposed the bill.

The third reading was carried by a majority of 131 to 32.

The *County Coroners Bill* was withdrawn.

The *Railway Construction Facilities Act* (1864) *Amendment Bill* passed through committee.

July 22.—*Revision of the Statute Laws.*—Mr. Hadfield asked the Secretary to the Treasury when the letter of Lord Cairns on the revision of the statute laws, and the report thereon, would be laid upon the table of the House.

Mr. Ayrton believed his hon. friend was rather more anxious to have, at the same time, the report made consequent on the letter. He had not yet received a report from the committee giving an account of the mode in which they intended to carry out Lord Cairns' letter. However, he had communicated with them on the subject; their report would be sent without delay, and as soon as it was received he would place it on the table of the House.

The *Trades Unions* (*Protection of Funds*) *Bill* passed through committee.

The *Courts of Justice Salaries and Funds Bill* was read a third time.

The *Railways Abandonment Bill* (re-committed) passed through committee.

The *Public Schools Act* (1868) *Amendment Bill* was read a second time.

The *Petroleum Bill* was withdrawn.

The *Metropolitan Building Act* (1855) *Amendment Bill* was read a second time.

The *Criminal Lunatics Bill* was read a second time.

The *Turnpike Acts Continuance, &c., Bill* passed through committee.

FOREIGN TRIBUNALS & JURISPRUDENCE.

AMERICA.

Supreme Court, Pennsylvania.

Liability of conveyancers.—The rule of liability of conveyancers for errors of judgment is the same as for lawyers and physicians. A conveyancer employed (before the decision in *Sellers* v. *Burk*, 11 Wright 344) in the purchase of a ground-rent, relying on the opinion of legal counsel that it was clear of encumbrances, so represented it to his principal, there being at the time a judgment by default against the vendor, the damages on which had not been liquidated, and under which it was afterwards sold by the sheriff. Held, that the conveyancer was not liable to the purchaser for negligence. To pass the title at that time with such an encumbrance, was not evidence of want of ordinary knowledge and skill and due caution, even if the conveyancer had passed it on his own judgment.—*Watson* v. *Muirhead* (7 P. F. Smith)—*New York Daily Transcript.*

Superior Court, New York.

Statute of Frauds.—It must be assumed that, in passing chapter 464 of Laws of 1863, the Legislature intended to abolish altogether the statutory requirement, that the consideration be expressed in every instrument coming within section 2 of title 2, chapter 7, part I. of the Revised Statutes. In the face of this legislative intent, sufficiently expressed, the judicial interpretation of the Statute, as applied in some cases to the Law of 1813, in conformity with the English doctrine enunciated in *Wain* v. *Warlters* (5 East. 10), must cease as inconsistent therewith and repugnant thereto. The judicial decisions and legislative action of other states, upon this point, reviewed.—*Speyers* v. *Lambert* —*New York Daily Transcript.*

Supreme Court, Philadelphia.

Proof of public acknowledgment of the wife by alleged husband and his recognition of their children, though under an assumed name, held to establish a legal marriage under the law of Pennsylvania.—*De Amerilli's Estate*—*Philadelphia Legal Intelligencer.*

OBITUARY.

MR. J. J. ROCKE.

We have to announce the death of Mr. James John Rocke, solicitor (Rocke & Swayne, of Glastonbury), Somersetshire, who expired at his seat, Chalice House, on the 16th July. Mr. Rocke, who was in his 49th year, had been in failing health for some time past. He took out his certificate as an attorney in Michaelmas Term, 1842, and was formerly in partnership with Mr. W. B. Naish. He was lord of the manor of Glastonbury, and held the office of district registrar of the Probate Court of Wells; he was also a perpetual commissioner under the Fines and Recoveries Act, and practised as a proctor and notary in the local ecclesiastical courts. Mr. Rocke has left a widow and two daughters.

MR. W. M. NEEDHAM.

Mr. William Manning Needham, B.A. (Ludlow & Needham, solicitors, of Birmingham), expired suddenly on the 13th July, at the Gravelly-hill station, on the Sutton branch of the London and North-Western Railway. He had been dining with a friend, apparently in his usual health, and was about to return to Birmingham by the train when his sudden death took place. The late Mr. Needham, who was about thirty years of age, was certificated in Michaelmas Term 1863; he was a member of the Incorporated Law Society, and also of the Metropolitan and Provincial Law Association. For a few years past he has carried on business with Mr. Henry Ludlow, a solicitor of old standing at Birmingham.

MR. J. H. PLUNKETT.

The death of Mr. John Hubert Plunkett, formerly Attorney-General of New South Wales, took place at Melbourne, Australia, on the 9th May. The late Mr. Plunkett was a member of the Irish Bar, called in Hilary Term, 1826. For many years he had practised at Sydney, in New South Wales, where he attained the position of Attorney-General, and was long afterwards a member of the Legislative Council of the colony.

Nevada sets a praiseworthy example of liberality in legal proceedings. Last winter a prominent lawyer of that state had a suit of some importance before Bob Wagstaff, justice of the peace in Scrub city, a small mining district in the upper part of the county. After the evidence had been taken, and the lawyers had finished their talkee-talkee, the counsel for plaintiff arose and asked the justice if he would charge the jury. "Oh no, I guess not," replied his honour; "I never charge them anything; they don't get much anyhow, and I let 'em have all they make!" —*Chicago Legal Journal.*

SOCIETIES AND INSTITUTIONS.

INCORPORATED LAW SOCIETY.

The Site For The New Law Courts.

At the Annual General meeting of the Incorporated Law Society, Friday, 16th July, 1869, the following took place, upon the motion that the report be received, approved, and entered on the minutes.

Mr. Burgoyne.—(Burgoyne, Milnes, Burgoyne, & Thrupp).—I suppose most of the gentlemen present are aware that a bill has been brought into Parliament for removing the site from Carey-street, the site originally proposed. Whether, if they succeed in carrying the site to any particular place, it would be equally detrimental to the interest of the profession, and to the interest of all those who are in favour of the Carey-street site, does not of course follow.

It is really impossible and impracticable to find a better site for the new Courts of Justice near the Carey-street site. (Hear, hear.) It may very easily be said, no doubt, and with very great force, that other sites might be found, as good as or nearly as good as the Carey-street site; if the whole question were to begin for the first time—if no expense, labour, and trouble had been encountered, the whole measure would have been a more open question, and there can be no difficulty in saying that any other site would be much more advantageous than that of Kingston or Hampstead, or anything of that sort. Is it possible or practicable that any site could be found more advantageous for the whole profession and the public than the Carey-street site? If we were to begin again, I must say that there is no such site to be found. I would not go the length of saying that, if it were a new question, no other site could possibly be found—perhaps at a larger expense than the present, as good; but having secured several years ago an Act of Parliament for obtaining the site in Carey-street, being in possession of that site, having spent a great deal of money upon it, and having cleared it of buildings, unless you can show some overwhelming reasons why some other site is a great deal better, we must uphold the Carey-street site as the most beneficial for every body concerned. I hold in my hand the report of the Council on the subject, and I know that some difference of opinion has been expressed, and I suppose has in a great measure originated, because we rather think now that those in favour of the Carey-street site departed from the original plan. They did it, no doubt, with the best intentions that the site should be increased, and that there should be more courts and offices. That has unfortunately placed the advocates of the original site rather in opposition to the present Government, because when they came into power they took a view, very likely to occur to a Chancellor of the Exchequer, that they ought not to spend any more money than possible. When an additional scheme was brought forward with the intention of spending more money, the Government immediately set their faces against that, and endeavoured to make that a reason to show that the Carey-street site is bad. But there is no reason for spending more money on the Carey-street than on any other site. The probability seems to be quite the other way, and, being in possession of a site, and having incurred a great expense, the probability is that as desirable a building can be erected on the Carey-street site as on any other in London. I cannot, therefore, understand what is to be gained by having a new site. We should incur great delay, and the result would be that most of the senior members of the profession will never see any of the new courts of justice erected anywhere else if not on the Carey-street site. One of the great reasons for advocating the Carey-street site is its great convenience and capacity for enlargement, which must be, in the views of the present Government, of no importance, because they advocate the idea that the courts and offices over the country had better not be aggregated together; but any courts and offices that it is desirable to bring together may be as easily brought together on the Carey-street site as on any other; and as handsome a building can be erected upon the Carey-street site as upon any other. As to the desirability of the public being able to enjoy a handsome building when it is erected, the Carey-street site would be the best for that purpose. A great many passengers will not daily go on the river to see a grand building; they would prefer going by railway, or along the streets of London. However, that is really a very small question, though some have endeavoured to make it a very great one. I believe I have touched in a general way upon particular reasons applying to this subject. I do not want to weary your attention upon the subject. I will, therefore, beg to conclude by placing a motion in the hands of the chairman, if he will allow me to do so, "That this meeting hereby expresses its entire and cordial approval of the steps which have been taken by the Council in opposition to the removal (as threatened by the bill lately brought into Parliament) of the site of the new Law Courts and offices from Carey-street to the Thames Embankment, or elsewhere; and the meeting earnestly deprecates such removal as injurious to the interests equally of the suitors, the public, and the members of the legal profession."

Mr. N. C. Milne seconded the resolution.

Mr. Stephen Williams also supported it. Waiving for a few moments the great argument founded upon the immense outlay already incurred, and the Act of Parliament already obtained, he thought the general convenience of the profession would be benefitted by having it upon the Carey-street site.

Mr. W. J. Fraser.—I merely rise to say that I wish most cordially to support the resolution. I wish to say that I believe a great deal of ignorance exists outside the profession upon this subject. I think there is no other site in existence that fully carries out the two chief advantages which you have in view. The two objects are concentration, and that central—to take place in the great centre of the legal district. You cannot carry out these two objects, for which the Council has been struggling for many years, if you change the site. Public opinion is not so much in favour of this change as some people imagine. I happen to be a member of the Strand Board of Works, and upon separate occasions it has passed a resolution, and upon the last occasion presented a petition to the House of Commons, in favour of the retention of the new Law Courts and Offices on the Carey-street site; and I may say that when I first introduced the matter to the attention of that body they were disposed to differ from me, but when I brought it fully before them they could arrive at no other conclusion than that Carey-street was the best site. Some observations were made, that the Council had taken too one sided a view. Now, the first thing the Council ought to have done was to examine the matter, and having found which site would be best for the profession to persevere in maintaining that. It seems to me that they have done that in a very satisfactory manner. If the Council had not adopted the course which they have adopted, what could they have done? It could not be considered their duty to remain silent. I believe they acted very properly, and I most cordially support the resolution.

Mr. J. S. Torr.—I only regret that some step of this kind has not been taken long before. The Council are limited to the management of the ordinary affairs of the society—not entitled to represent individual or party views, unless authorised by the society. I would suggest that in future they should call a meeting and so get a majority. That would have prevented the unseemly spectacle we have had of the Council going before the Government as representing the society, and then another body of solicitors going to the Government and saying the Council do not represent the views of the society, and that there should be a meeting of the society; then the Council would not have been put in the humiliating position in which they have been placed. They seemed to be attacked in the House of Commons without even being able to say that they had this society at their back. If they would only take the precaution to call a general meeting they would be able to say that they represented some 2,000 solicitors.

The Vice-President.—I may say that the question was under discussion, and we came to the conclusion that we should best show the sentiments of the profession by getting their signatures, with their addresses, to a petition, and to that end we have succeeded to the extent of getting some 1,600 signatures. I do not think it would have been possible to get a tithe of that number at any public meeting, however energetic the letter penned by the secretary might be. I think that if we had called a public meeting there would have been a difference of opinion at that period and that a small majority of some twenty or thirty would not have placed us in a better position than that which we now hold. I think we have done better by getting the signatures. One

point I may speak of, which the Council are desirous of pressing upon the meeting—that this Council never intended putting forth their opinion as representing the general opinions and wishes of the profession. We have no personal feeling (although it is an object of great personal ambition to be a member of the Council), and if we have made a mistake—which I am sure we have not—our professional brethren will not suppose that we were guilty of any disrespect to them, and when my friend says that there was no one in the House of Commons to speak for the attorneys, I believe that is nothing new. The attorneys' best friends are themselves. There are very few that will protect them elsewhere. But we certainly had Sir Roundell Palmer who has never left us night or day, and who attended here to form one of the deputation to the Chancellor of the Exchequer and to Mr. Layard, and we had the support of our excellent friend Mr. Gregory, who has been one of the most earnest and able supporters we have ever had.

Mr. PROUDFOOT expressed his satisfaction with the attitude assumed by the society with reference to the County Courts Proceedings Bill. Referring to the report *ad hoc*, he said:—There may not be many in this room who have to take proceedings for debts under £20. But occasionally a solicitor is obliged to do so, and the unsatisfactory law as to this is bad for the public generally, for it is almost impossible for a tradesman to recover a debt of £13. I will give you a case in point. On the 10th of May a summons was taken out, and fifteen shillings charged for it. The case came on on the 3rd of June. Judgment went by default.

The resolution was then put and carried unanimously.

Mr. KEIGHLEY.—I rise to second the motion that this report be read and adopted; but I think we ought to refer to the subject which appears to be of paramount importance—namely, the removal of the law courts and the erection of the law courts,—the subject of the site. I will confine my remarks, Sir, to this point—the course taken by the Council on the subject. I am perfectly satisfied that the Council had in the consideration of the subject the interests of the profession at large in view. I am perfectly satisfied that if they had thought that the interests of the profession would have been advanced by calling a meeting it would have been done; but a gentleman has spoken who was a member of the Council on a previous occasion, and I entirely concur in the sentiments he expressed. I think that the Council derive their power from the profession, and that an expression of opinion by a meeting in this hall, of the solicitors of the metropolis, although the majority might be small, would have had great weight. I think the the members of the profession are in the position of assignees. They can only act through the Council of the society, and that if a meeting had been called it would have been better. I am not complaining; I trust you will understand that. But I think the feeling of the profession (and I think it is unanimous on the subject) is that the Carey-street site is preferable. I think the Council has been supported by almost unanimous expressions of feeling.

It was then resolved that the report be received, approved, and entered on the minutes.

ANNUAL REPORT OF THE COUNCIL SUBMITTED TO THE GENERAL MEETING OF THE MEMBERS, ON JULY 16, 1869.

(*Continued from p.* 781.)

The Judicature Commission.

The course taken by the Council, on the appointment of the Commission in the autumn of 1867, is very fully stated in their last report; and the members were then informed that a series of resolutions passed by an associated committee of this society, and of the Metropolitan and Provincial Law Association, as the result of their deliberations up to that time, had been forwarded to the royal commissioners.

These resolutions were set out in the same report.

With a view of assisting the royal commissioners in framing recommendations to secure uniformity in the procedure and practice of the several courts, the associated committee instructed Mr. E. C. Dunn, of the Equity Bar, one of the editors of Daniell's "Chancery Practice," to prepare a statement of the various systems of procedure in the English Courts of Chancery, Common Law, Probate, Divorce, and Admiralty; and, in addition, a summary of some of the important points of contrast in the procedure of the above courts, and also the English county courts, and the Indian High Court. In the preparation of these papers some valuable assistance was obtained from Mr. John Pitt Taylor, Judge of the County Courts of Lambeth, Greenwich, and Woolwich; Mr. J. Marshall, of Edinburgh, Advocate, of the Scotch Bar; Dr. Ferguson of Dublin, of the Irish Bar; Mr. R. T. Lattey, lately practising as a solicitor at Calcutta; and Mr. J. W. Hawkins, one of the chief clerks of the Master of the Rolls.

In the preparation of these documents the leading idea was that, while the abstract laws respecting the rights of property might differ in many respects, the methods to be adopted to enforce those rights ought to be nearly the same, and that, therefore, the procedure of the several courts ought to be assimilated as much as possible.

Assimilation of procedure is not merely a question of form; in many cases it is essential for the purposes of justice; for instance, if the ends of justice do not require the evidence in chief to be known before the hearing of the cause, the practice of the Court of Chancery requiring disclosure of it is unjust. The same remark also applies to many other instances in which the procedures of the several courts conflict.

In the course of their deliberations it also appeared to the associated committee that any enlargement of jurisdiction enabling each court to administer justice completely in all cases, without reference to any other court, could not be justly effected without great assimilation of procedure.

In illustration of the inconvenience arising from the present system of divided jurisdiction may be mentioned the expense and vexation occasioned by the present practice of resorting to one court for the purpose of making a restraining order upon another court; or for purposes ancillary to the proceedings in another court; as, for instance, to obtain discovery, or a receiver *pendente lite*.

With respect to the means to be adopted to carry out the above principles of assimilation of procedure and completeness of jurisdiction, the associated committee considered that any plan proposed should be based upon experience, and that, in order to ascertain the best system available, it was necessary to consider in detail the different systems of procedure now followed in various British courts throughout the empire.

Acting on this principle, the associated committee examined some of the most important of these systems and their variations; from which it appeared that through them might be traced the same general principles prevailing in all courts, and that it would be useful to classify and compare their points of contrast.

As the statement and summary referred to extended only to those proceedings which are indispensable, they were necessarily imperfect, and did not refer to many other important proceedings which are often incidental to a cause; such as interlocutory applications (whether by petition, summons, or motion, and whether, in the latter case, the motion should be mediately for a rule *nisi*, or immediately for a rule absolute), orders of course, assessment of damages, discovery and inspection of documents, payment in and out of court, costs, &c.; to enter into a full discussion of which the associated committee did not consider to be then necessary. The statement and summary can be considered only as specimens of the work which, in the opinion of the committee, ought to be exhaustively performed before the preparation of one general system of procedure is attempted.

It seemed also to the associated committee that the course proposed by them might be valuable, as tending to prepare the way for a general assimilation of procedure throughout the countries comprising the British Empire.

The committee also thought it useful to add to the summary several suggestions as to procedure, but without pledging themselves to an expression of opinion in their favour.

The statement and summary were forwarded to the royal commissioners, and the council find from the first report of that body * that a great many of the recommendations of the associated committee have been adopted by the commissioners.

Land Transfer Commission.

In April last year a Royal Commission was issued, directing inquiries into the condition of the registry of deeds for

* A copy of this report has been forwarded by the Council to each member of the society.

the county of Middlesex, and with regard to the operation of the system of registration established by Lord Westbury's Act of 1862; * also, as to whether that system might be altered or improved, so as to facilitate the proof of title to and the conveyance of real estate, with an indefeasible title, to purchasers; and whether any alteration or improvement ought to be made in the constitution of the tribunal established by Lord Westbury's Act.

The commission was also directed to make certain inquiries with respect to the registry of deeds for the county of Middlesex.

In June, 1868, the commissioners issued a series of questions, copies of which were forwarded to the Council with a request that they would assist the commissioners in forming a judgment as to the best mode of promoting the efficiency of the office of land registry.

These questions seemed to the Council to re-open a matter of the greatest importance, inasmuch as they involved the whole principle of registration; one upon which this society publicly expressed their opinion during the progress through Parliament of Lord Westbury's Act of 1862—the Act upon which the present system of registration is founded. When this measure was in the House of Commons the society bestowed great pains in the preparation of a petition, with a view to procure the insertion in the bill, then before Parliament, of such amendments as would give effect to the recommendations of the registration commissioners in their report of 1857, by establishing a registration of titles to land.

The society pointed out, in their petition, certain defects in the system then proposed; which defects the Council understand, from the individual experience of several of their members, have since been found to exist in working that system, and have contributed to render the registration established by the Act of 1862 practically useless.

The principal objections to the bill urged by the society in their petition were—

The litigation and expense in which it would probably involve landowners.

The impossibility of complying with some of its most important requirements.

Its contravention of some of the well-known and long-established rules of law relating to landed property.

The probability that if passed into a law it would, as regards the registration of at least nine-tenths of the land of England, be a mere dead letter.

The probability that, as regards the other tenth part, it would utterly fail to fulfil the promise of its preamble in giving certainty to a title, facilitating the proof thereof, and rendering the dealing with land more simple and economical.

The society also referred in their petition to the expense which the present system was likely to create, and they believe, from inquiries they have made, that their forebodings upon this subject have been realised. The requirements of the Act of 1862, with regard to the establishment of the boundaries of the land proposed to be dealt with, are found to open questions involving the rights of adjoining owners which have been allowed to rest, and litigation is the inevitable consequence. The registrar has the right, and perhaps feels himself bound, to ask questions which give rise to expensive searches and inquiries upon matters which, in the case of ordinary sales, would probably be left untouched, or arranged between the parties. In a complicated title some insurmountable difficulty is very likely to be raised to the completion of the registration, even after great expense and delay have already been incurred.

No doubt the expense, delay, and difficulty of registration, to a great extent, may be accounted for by the absence of conditions of sale. In the great majority of ordinary sales the title is guarded by the conditions.

It cannot be said that the difference in expense involved in registration is compensated, in the majority of cases, by the acquisition of an indefeasible title; but where the estate is to be divided into building lots the acquisition of such a title, even at the expense of delay and increased cost, may be found advantageous.

It is also very doubtful whether land transferred by registered title commands a better price than that transferred by the ordinary process.

After registration is once effected with an indefeasible title, and before the title has become encumbered by the registration of any subsequent dealing with the land by way of charges on it, or otherwise, a transfer would doubtless be less expensive.

The sale of a building estate, in lots, is perhaps the only case in which the costs would be materially lessened; but the registration of dealings subsequent to the first registration might operate to prevent any material diminution.

As a rule, solicitors would hardly recommend their clients to register, unless the land was required for building purposes. Of course the advice to be given must depend on the nature of the land, and circumstances of the title; for instance, in a large estate extending over some ten or twelve miles, registry would be almost impracticable, from the number of notices to be given, and imprudent from the danger of raising questions as to boundary or otherwise. The question of boundary *must* be raised, and if any of the parties interested object, extensive litigation is opened and vast expense incurred upon small points, most of which are of no material benefit to anybody.

On the other hand, in the case of advowsons, where the title is short and clear, and no expense for surveying is required, registration may be beneficial.

Several cases have occurred in which the perambulation has brought to light dormant claims as to rights of way and boundaries, and it cannot therefore be desirable to notice rights which are seldom specifically described in title-deeds.

Whether registration should be recommended if the title required were what is commonly understood by a good title, and not a strictly marketable one, would very much depend on the state of the title, as the defects, it is assumed, would appear on the register. If the defects were of such a nature as could be removed in course of time, a solicitor might be disposed to advise registration, but even then the probability of involving the owner in expense and delay has a deterrent effect to his offering such advice.

In ordinary dealings with land, where the exact boundaries cannot be ascertained from the title-deeds, the purchaser is usually satisfied if he can be furnished with evidence which raises a strong presumption that the lands, the subject of the purchase, and of which the vendor, or his tenant, is in possession, are the lands in respect of which a title has been shown.

There is no doubt that solicitors are deterred from registering by the prospect of having to register all the subsequent dealings with the land.

There is no doubt also that purchasers are usually content with less than a sixty years' title.

In the majority of dealings with land the title is guarded by special conditions, and it is not found that, in small matters, purchasers hesitate to bid at sales on account of stringent conditions. In cases of greater magnitude purchasers are usually advised beforehand; and where the solicitors and auctioneers employed are men of high character, the public relies on them, and pays less attention to the conditions, which are seldom read or understood.

There is a wide difference in the case of mortgagees. The title is submitted to the mortgagee and investigated by him without the imposition of any conditions of a restrictive character; and the nature of the transaction is such as to require a stringent inquiry into the state of the title before the mortgagee can be advised to accept it. This observation has greater force in those cases in which the lenders are trustees; a circumstance which applies to a very large proportion of mortgage transactions of any magnitude in this country.

It is believed that the cases in which a purchaser loses his property, or suffers any loss from a concealed incumbrance or liability on account only of the shortness of title which he had taken, are very rare.

In numerous cases short titles are accepted where it is known that they have been subjected to the investigation of conveyancers, or solicitors of undoubted repute.

The Council are satisfied that the working of Lord Westbury's Act has not been impeded by solicitors, as a system opposed to their interests. The sole cause of the failure of the system must be sought in the various objections, both in principle and detail, by which it is surrounded, and the feeling that it is not to the interest of the client to adopt a system involving certain expense, and possibly leading, by the disclosure of defects of title, or damaging circumstances, to litigation between neighbouring owners which, once commenced, might be interminable.

* 25 & 26 Vict. c. 53.

The Council embodied these observations, in a paper which they submitted to the commissioners.

It should also be mentioned that prints of the questions issued by the royal commissioners were sent by the Council to upwards of ninety firms in London and in the country, largely engaged in conveyancing practice, in compliance with what was understood to be the wish of the Royal Commissioners, to have the advantage of the individual experience of members of the profession.

THE ENGLISH AND AMERICAN PATENT SYSTEMS.

(From the *American Law Register*.)

A writer in the August number of the Atlantic Monthly, upon "ideal property" seriously recommends that the United States shall drop its present system of examining applications for patents on inventions, to see that they contain novelty; and shall make the Patent Office, as the district courts are now in reference to copyrights, a mere register, where any one may deposit his specification of what he alleges to be his invention, and then trust to the absolute novelty of the device, as it may be possible to establish it before the courts, for protection against pirates and infringers. . . . . .

The largest patent-soliciting house in London has gratuitously said, in a recent circular, that "the American origin of an invention is a recommendation in England." What could have made John Bull look so favourably upon us in this respect, when we well know that he will never acknowledge us to be his superiors in invention? It is because he knows that when a patent which is really useful passes the ordeal of our Patent Office it is probably *new*. They have no examinations in England; and parties manufacturing under good and valid patents are harassed greatly by interfering, subsequent patents procured for the sole purpose of blackmailing; and which, as a general rule, the manufacturers find it cheaper to buy up than to litigate.

. . . . . .

Abolish all preliminary examinations for novelty, and one of two things happens: either patents will become, for the most part, valueless; or the country will be overrun with charlatan inventors. Such abolition would surely tend to crush poor inventors and help rich ones. In all probability, no patent could be sold for a dollar that had not appended to it a full and accurate history of all similar inventions, showing that no one had ever preceded the present patentee, which history would have to be certified to, by some specialist or expert, whose name and reputation would be a guaranty that the history was correct; all this at a cost that not one inventor in a hundred could afford; and it is a reasonable prophecy that not one-tenth of the number of patents granted now would be granted after such a change as proposed. This must happen sooner or later, for if, at first, the other extreme is reached, and the country is flooded with patents on old devices, the very word "patent" would soon become a synonym for worthlessness, and a severe reaction would take place.

It is to be feared that we should learn from sad experience how much our national progress and prosperity are based upon the inventive genius of our country. Granted that a majority of our patents are worthless, who can estimate the incalculable harm that would result from retarding and repressing the inventive genius of our countrymen, by withholding the reasonable rewards we now hold out? Granted that the majority of our patents are worthless, they do no harm; and while there would not probably be one-tenth of the present number of patents granted under a system changed as proposed, there is no good reason for supposing that any larger percentage of the patents then granted would be useful than of those granted now. Indeed it is quite reasonable to suppose that this percentage would be still smaller, for only the rich inventors could then afford to put their patents into saleable shape, and wealth is not the soil in which true invention flourishes.

When we stop for a moment to reflect, we must be convinced that our magnificent material prosperity as a nation, is owing very largely, more than to any other cause, to the prolific inventive genius of our people.

The best impression we could possibly put upon our national coat-of-arms would be a pencil, hammer, and drill; for mainly by the aid of these and their kin have we made our great nation what it is in material prosperity.

The true way to better ourselves in patent matters is not to radically change the law, but to make the examinations under it more strict, searching, and accurate.

There can be little doubt that it is possible to so perfect these examinations that ninety per cent. of all patents granted shall be novel, and when we reach this point we shall be carrying out the law more perfectly than any other law was ever executed. We shall make patents still more valuable than they are, foster still more our native genius for invention, and our country will grow and prosper in proportion.

LAW STUDENTS' JOURNAL.

JULY EXAMINATION

On the Subjects of the Lectures and Classes of the Readers of the Inns of Court, held at Lincoln's Inn Hall, on the 1st, 2nd, and 3rd days of July, 1869.

The Council of Legal Education have awarded the following exhibitions to the undermentioned students, of the value of thirty guineas each, to endure for two years:—

Constitutional Law and Legal History.—Thomas Prout Webb, Esq., student of Lincoln's-inn.

Jurisprudence, Civil and International Law.—Archibald Brown, Esq, student of the Middle Temple.

Equity.—Charles Henry Turner, Esq., student of Lincoln's-inn.

The Common Law.—Henry Hodgson Bremner, Esq., student of the Inner Temple.

The Law of Real Property, &c.—Charles Henry Turner, Esq., student of Lincoln's-inn.

The Council of Legal Education have also awarded the following exhibitions of the value of twenty guineas each, to endure for two years, but to merge on the acquisition of a superior exhibition:—

Equity.—Henry Charles Deane, Esq., student of Lincoln's-inn.

The Common Law.—George Welby King, Esq., student of Gray's-inn.

The Law of Real Property, &c.—Henry Charles Deane, Esq., student of Lincoln's-inn.

COURT PAPERS.

SURREY SUMMER ASSIZE.

NOTICE.

Entry of Causes.

Causes can be entered provisionally at the office of the clerk of assize for the Home Circuit, in London, on Monday, the 26th July, and daily thereafter until Saturday, the 31st July, inclusive, between the hours of ten and two.

They will be formally entered and put on the list at Croydon by the clerk of assize, in the order of their provisional entry, and before causes entered at Croydon.

In case any record entered in London be withdrawn before the opening of the commission at Croydon, the entry stamps will be returned.

A list of causes for trial each day will be sent to London in the evening of the previous day, and will be affixed outside the porter's lodge, Serjeants'-inn, Chancery-lane, and also outside the office of Mr. Abbott, the under sheriff, No. 8, New-inn, Strand, as soon as possible after the list can be arranged.

The first day's list will not extend beyond the 20th common jury in the list of causes provisionally entered, should there be so many. The list of causes provisionally entered may be seen at the London office of the clerk of the assize.

No cause will be allowed to be entered under any circumstances after the sitting of the court.

This arrangement may not apply to future assizes.

LEWES SUMMER ASSIZES.—The calendar disclosed a lamentable amount of crime. Amongst other, and what are classed as "minor offences," were murder, rape, unnatural crimes, committed under revolting circumstances, sacrilege, burglary, &c. Only three persons were classed as able to read and write well; the remainder were either "imperfect," or wholly uneducated. The great case of *Lloyd* v. *Ingram* was made a remanet, there being no time to try it; and Mr. Justice Mellor declined to hear it in the vacation. The defendants' advisers proposed to have it tried in the vacation before one of the Queen's Counsels in the commission; but to this the plaintiff would not consent.

PUBLIC COMPANIES.

LAST QUOTATION, July 23, 1869.

[From the Official List of the actual business transacted.]

GOVERNMENT FUNDS.

3 per Cent. Consols, 93⅝	Annuities, April, '85, 11 15-16
Ditto for Account, Aug. 5, 93⅝	Do. (Red Sea T.) Aug. 1908
3 per Cent. Reduced 93¼	Ex Bills, £1000, — per Ct 9 p m
New 3 per Cent., 93¼	Ditto, £500, Do — 9 p m
Do. 3½ per Cent., Jan. '94	Ditto, £100 & £200, — 9 p m
Do. 2½ per Cent., Jan. '94 76	Bank of England Stock, 4½ per Ct. (last half-year) 244
Do. 5 per Cent., Jan. '73	Ditto for Account.
Annuities, Jan. '80 —	

INDIAN GOVERNMENT SECURITIES.

India Stk., 10½ p Ct. Apr. '74, 209 xd	Ind. Enf. Pr., 5 p C., Jan. '72 105½
Ditto for Account	Ditto, 5½ per Cent., May, '79 110½
Ditto 5 per Cent., July, '80 112	Ditto Debentures, per Cent., April, '64 —
Ditto for Account, —	Do. Do., 5 per Cent., Aug. '73 104
Ditto 4 per Cent., Oct. '88 101	Do. Bonds, 4 per Ct., £1000 25 p m
Ditto, ditto, Certificates, —	Ditto, ditto, under £1000, 25 p m
Ditto Enfaced Ppr., 4 per Cent. 92½	

RAILWAY STOCK.

Shres.	Railways.	Paid.	Closing prices
Stock	Bristol and Exeter	100	79
Stock	Caledonian	100	82
Stock	Glasgow and South-Western	100	103
Stock	Great Eastern Ordinary Stock	100	38¾
Stock	Do., East Anglian Stock, No. 2	100	—
Stock	Great Northern	100	108
Stock	Do., A Stock*	100	106
Stock	Great Southern and Western of Ireland	100	97
Stock	Great Western—Original	100	51¼
Stock	Do., West Midland—Oxford	100	27
Stock	Do., do.—Newport	100	30
Stock	Lancashire and Yorkshire	100	126
Stock	London, Brighton, and South Coast	100	45½
Stock	London, Chatham, and Dover	100	17
Stock	London and North-Western	100	119
Stock	London and South-Western	100	91
Stock	Manchester, Sheffield, and Lincoln	100	56½
Stock	Metropolitan	100	101½
Stock	Midland	100	118
Stock	Do., Birmingham and Derby	100	86
Stock	North British	100	34
Stock	North London	100	118½
Stock	North Staffordshire	100	58
Stock	South Devon	100	42
Stock	South-Eastern	100	57
Stock	Taff Vale	100	153

* A receives no dividend until 6 per cent. has been paid to B.

INSURANCE COMPANIES.

No. of Shares	Dividend per annum	Names.	Shares.	Paid.	Price per share.
			£	£ s. d.	£ s. d.
5000	5 pc & bs	Clerical, Med. & Gen. Life	100	10 0 0	21 2 6
4000	40 pc & bs	County	100	10 0 0	85 0 0
35536	5 pc & bs	Eagle	50	5 0 0	6 17 6
10000	7½ 2s 6d pc	Equity and Law	100	6 0 0	7 15 0
20000	7½ 2s 6d pc	English & Scot. Law Life	50	3 10 0	5 5 0
2700	5 per cent	Equitable Reversionary...	105	...	94 0 0
4600	5 per cent	Do. New	50	50 0 0	44 0 0
5000	5 & 3 p sh b	Gresham Life	20	5 0 0	
20000	5 per cent	Guardian	100	50 0 0	53 5 0
20000	2½ per cent	Home & Col. Ass., Limtd.	50	5 0 0	2 7 6
7500	10 per cent	Imperial Life	100	10 0 0	17 10 0
50000	6 per cent	Law Fire	100	2 10 0	3 7 6
10000	32½ pr cent	Law Life	100	10 0 0	90 0 6
100000	10 per cent	Law Union	10	0 10 0	0 17 6
20000	5 & 17s 6d pc	Legal & General Life ...	50	8 0 0	9 5 0
20000	4 & 12s 6d pc	London & Provincial Law	50	4 17 8	4 15 0
40000	15 per cent	North Brit. & Mercantile	50	6 5 0	19 7 6
2500	12½ & bns	Provident Life	100	10 0 0	35 0 0
689220	20 per cent	Royal Exchange... ...	Stock	All	310 0 0
—	6½ per cent	Sun Fire	...	All	166 0 0

MONEY MARKET AND CITY INTELLIGENCE.

All the markets continued very inactive until Thursday, when Consols opened at an improvement, and subsequently advanced further. The railway market has been irregular this week, and, there being but a small amount of business transacted, comparatively small sales occasioned fluctuations of price. Foreign securities close with considerable strength. Money is plentiful.

Mr. Charles Kaye Freshfield to-day resigned the position of one of the solicitors to the Bank of England. He is succeeded by his nephews, Messrs. William and Edwin Freshfield, who will now be associated with Mr. Henry R. Freshfield in the solicitorship to that establishment. The Court of Directors have caused to be conveyed to Mr. Charles Kaye Freshfield their high sense of the services he had rendered during the many years of his official connection with them.

Mr. George Atkinson, Serjeant-at-law, joined the bar of the Bombay High Court on the 12th June. Mr. Serjeant Atkinson was called to the bar at the Inner Temple in June 1840, and was created a Serjeant-at-Law in 1854.

Mr. C. H. James, Official Assignee, Court of Bankruptcy, Dublin, has appointed Mr. W. G. Bradley as his solicitor in insolvency cases in place of Mr. John MacNally, solicitor, deceased.

FEES IN THE SUPERIOR COURTS OF COMMON LAW.—A return of fees received in stamps and payments formerly charged on the fee fund account, superior courts of common law, during the years ending 31st March, 1868 and 1869, also a return of receipts and payments in the Courts of Probate and Divorce, High Court of Admiralty, and Land Registry during the same period, has been published under the authority of Mr. Ayrton. The receipts from the Courts of Queen's Bench, Common Pleas, and Exchequer for the year ending March, 1869, amounted to £94,709 16s. 2d. against £114,316 8s. 1d. for the previous year, thus showing a decrease or £20,218 11s. 11d. The total amount of payments made for the former period was £99,800 16s. 7d., and for 1868, £98,070 14s. 2d; giving an increase of £1,730 2s. 5d. for 1869 over the preceding year. The receipts in the Courts of Probate and Divorce, Admiralty, and Land Registry, for the year ending March, 1869, were £134,969 16s. 1d., and for 1868, £139,474 16s. 8d., a decrease again occurring of £4,505 0s. 7d. The payments in 1869 were £222,109 2s. 1d., against £223,019 7s. 2d., thus giving also a decrease of £910 5s. 1d. The payments in both cases are exclusive of judges' salaries.—*Globe.*

ESTATE EXCHANGE REPORT.

AT THE MART.

July 20.—By Messrs. FAREBROTHER, CLARK, & Co.

Freehold farm of 128 acres, in the parishes of Horsmonden and Marden, Kent—Sold for £5,500.

Freehold ground rents, amounting to £50 per annum, secured on two residences, cottages, and gardens, situate at Footscray, Kent—Sold for £1,070.

Leasehold house and premises, No. 12, Burton-street, Eaton-square; let at £50 per annum; term, 82 years from 1841, at £3 per annum—sold £700.

Copyhold residence, known as Surrey-villa, Lambeth, let on lease at £38 per annum—sold £780.

By Mr. M. MATTHEWS.

Freehold, the Cavendish Hotel, Eastbourne—sold £10,000.

July 21.—By Messrs. EDWIN FOX & BOUSFIELD.

Leasehold residences and premises, Nos. 37 and 38, Golden-square, 4 to 7, Upper James-street, and 37, Silver-street, Golden-square, producing £549 per annum; term, 900 years from 1688, at £29 10s. per annum—sold £6,000.

Leasehold residence, No. 8, Bessborough-gardens, Pimlico, let at £65 per annum; term, 98 years from 1845, at £10 per annum—sold £660.

Leasehold residence, No. 7, Bessborough-gardens, let at £60 per annum; term and ground rent similar to above—sold £650.

Leasehold residence, No. 4, Sutherland-street, Pimlico, let at £60 per annum; term, 73 years from 1860, at £9 per annum—sold £580.

Leasehold house and shop, No. 3, Allason-terrace, Campden-hill, Kensington, let at £70 per annum; term, 99 years from 1844, at £9 per annum—sold £820.

Leasehold residence, known as Dartmouth Villa, York-road, Upper Holloway, let at £50 15s. per annum; term 96½ years from 1855, at £7 per annum—sold £500.

Copyhold residence, known as East Lodge, Middle-mall, Hammersmith, let at £90 per annum—sold £1,000.

BIRTHS, MARRIAGES, AND DEATHS.

BIRTHS.

FEARON—On July 17, at 41, St. George's-road, South Belgravia, the wife of Francis Fearon, Esq., of a daughter.

LATHAM—On July 16, at Surbiton, the wife of William Latham, Esq., of Lincoln's-inn, of a daughter.

PRESTAGE—On July 20, at 51, Upper Brook-street, Manchester, the wife of J. E. Prestage, Esq., Solicitor, of a son.

MARRIAGES.

FITZMAURICE—BOYRENSON—On July 15, at the Church of St. Michael and All Angels, Paddington, John Gerald Fitzmaurice, Barrister-at-Law, of the Inner Temple, to Florence Augusta Marian, only daughter of the late Thomas Adolphus Boyrenson, Esq.

HITCHINS—MILROY—On July 15, at St. Andrew's, Plymouth, William Hitchins, Solicitor, of London, to Elizabeth Bowers, only daughter of the late Alexander Milroy, Esq., of Plymouth.

DEATHS.

HEPPLE—On July 20, at Bishop Auckland, William Hepple, Esq., Solicitor, formerly of 12, St. Petersburgh-place, Bayswater, aged 62.

JACOBS—On July 17, Elizabeth Burland Jacobs, youngest child of Frederick Jacobs, Solicitor, aged two years and seven months.

LONDON GAZETTES.

Winding-up of Joint Stock Companies.

FRIDAY, July 16, 1869.

LIMITED IN CHANCERY.

British Columbia and Vancouver Island Spar, Lumber, and Saw Mill Company (Limited).—Petition for winding up, presented July 15, directed to be heard before Vice Chancellor James on July 24. Bischoff & Co, Gt Winchester-st-bldgs, solicitors for the petitioners.

Cwmheisian Gold Mining Company (Limited).—Petition for winding up, presented July 14, directed to be heard before Vice-Chancellor James on July 24. Smith, Gt James-st, Bedford-row, for Kearsley, Manch, solicitor for the petitioner.

Marine Investment Company (Limited).—Vice-Chancellor Malins has, by an order dated June 25, appointed Frederick Maynard, 55, Old Broad-st, one of the liquidators, in the place of Henry Alfred Coffey.

Tyddynglwadis Silver, Lead, and Gold Mining Company (Limited).—Petition for winding up, presented July 14, directed to be heard before Vice-Chancellor James on July 24. Smith, Gt James-st, Bedford-row, for Kearsley, Manch, solicitor for the petitioner.

Valparaiso Water Works Company (Limited).—Vice-Chancellor Malins has, by an order dated July 10, ordered that the above company be wound up. Tucker, St Swithin's-lane, solicitor for the petitioner.

COUNTY PALATINE OF LANCASTER.

Great Rhosesmor Mining Company (Limited) —Petition to continue the winding up, and to confirm the sale of the mines, presented July 15, directed to be heard before the Vice-Chancellor on July 28. Lace & Co, Lpool, solicitors for the petitioners.

STANNARIES OF DEVON.

Cawsand Vale Copper Mining Company (Limited).—Petition for winding up, presented July 9, directed to be heard before the Vice-Warden, at the Prince's Hall, Truro, on Aug 4, at 11. Affidavits intended to be used at the hearing, in opposition to the petition, must be filed at the Registrar's Office, Truro, on or before July 31, and notice thereof must at the same time be given to the petitioners, their solicitor, or his agents. Hodge & Co, Truro, for Peter, Launceston.

TUESDAY, July 20, 1869.

LIMITED IN CHANCERY.

British Columbia and Vancouver Island Spar, Lumber, and Saw Mill Company (Limited).—Vice-Chancellor James has, by an order dated July 19, appointed Samuel Lovelock, 34, Coleman-st, provisional official liquidator.

Consolidated Land Company of France (Limited).—Petition for winding up, presented July 17, directed to be heard before Vice-Chancellor Malins on July 23. Tucker, St Swithin's-lane, solicitor for the petitioner.

Dunraven United Collieries Company (Limited).—Vice-Chancellor James has, by an order dated July 3, appointed William Adams, Cardiff, provisional official liquidator.

Glyncorrwgg Coal Company (Limited).—Petition for winding up, presented July 17, directed to be heard before Vice-Chancellor Malins on July 31. Sawbridge & Wrentmore, Wood-st, Cheapside, for Stockwood, Bridgend, solicitor for the petitioner.

South Wales and Cannock Chase Coal and Coke Company (Limited and Reduced).—Petition for reducing the capital from £40,000 to £16,000. Any person who claims to be a creditor, and who is not entered on the list, and claims to be so entered, must, on or before July 28, send in his name and address and the particulars of his claim to Beale, Worcester, solicitor for the company.

Swansea Zinc Company (Limited).—Creditors are required, on or before Oct 1, to send their names and addresses, and the particulars of their debts or claims, to John Sutcliffe Hurndall, Shannon-court, Corn-st, Bristol. Saturday, Oct 30, at 11, is appointed for hearing and adjudicating upon the debts and claims.

UNLIMITED IN CHANCERY.

North Kent Railway Extension Railway Company.—Petition for winding up, presented July 17, directed to be heard before Vice-Chancellor James on July 28. Edwards & Co, Delahay-st, Westminster, solicitors for the petitioner.

Friendly Societies Dissolved

TUESDAY, July 20, 1869.

Factory Impartial Burial Society, Black Eagle Inn, Church-st, Woolwich. July 14.

United Brothers Friendly Society, Bell Inn, Moulsey, Surrey. July 16.

Creditors under Estates in Chancery.

Last Day of Proof.

FRIDAY, July 16, 1869.

Bardswell, Jas Hamilton, Lpool, Gent. Aug 16. Urquhart *v* Bardswell, County Palatine of Lancaster. Registrar, Lpool.

Brasnett, Rowing, Deopham, Norfolk, Yeoman. Aug 13. Turner *v* Brasnett, V.C. James. Feltham, Hingham.

Gillman, Susannah, Deal, Kent, Widow. Aug 6. Moulton *v* Barber, V.C. James. Edwards, Delahay-st, Westminster.

Littledale, Edwd, Lpool, Gent. Aug 16. Urquhart *v* Littledale, County Palatine of Lancaster. Registrar, Lpool.

Waters, Edwd, Penhow, Monmouth. Nov 8. Attorney-General *v* Dobyns, M. R. Fearon, Gt George-st, Westminster.

TUESDAY, July 20, 1869.

Dickson, Jas, Clayton, Stafford, Farmer. Aug 9. Vaughan *v* Cochrane, M. R. Litchfield, Newcastle-under-Lyme.

Lloyd, Wm Robt, Lpool, Licensed Victualler. Aug 3. Peach *v* Lloyd, V.C. James. Anderson, Lpool.

Simpkin, Joseph, Portman-st, Portman-sq, Esq. Oct 11. Jack *v* Jack, V.C. Stuart. Bowker & Co, Bedford-row.

Tyrie, Jas Edwd, Longdown, near Exeter, Esq. Sept 21. Lloyd *v* Tyrie, V.C. Stuart. Elmslie & Co, Leadenhall-st.

Creditors under 22 & 23 Vict. cap. 35.

Last Day of Claim.

FRIDAY, July 16, 1869.

Ackroyd, Wm, Bolton-le-Moors, Lancaster, Tailor. Aug 21. Taylor & Son, Bolton-le-Moor.

Barker, Eliz, Steeple Morden, Cambridge, Widow. Oct 30. Stocken, Baldock.

Botham, Joseph, Crook, Durham, Innkeeper, Aug 12. Trotter, Bishop Auckland.

Brewin, Helen, West Malvern, Worcester, Spinster. Aug 21. Lingwood, Cheltenham.

Garrard, John Threadkell, Needham-market, Suffolk, Ham Curer. Aug 21. Gerrard, Needham-market.

Gipps, Geo, Howletts, nr Canterbury, Kent, Esq. Aug 21. Cowburn, Lincoln's-inn-fields.

Howard, John, Altrincham, Chester, Gent. Aug 16. Earle & Co, Manch.

Jacob, Chas, Huntingdon, High Bailiff. Oct 1. Margetts & Co, Huntingdon.

Lapraik, Douglas, The Oaks, Acton, Esq. Jan 1. Brooks & Co, Godliman-st, Doctors'-commons.

Marston, Hy, Tor Villas, Camden-hill, Kensington, Distiller. Oct 15. Cridland, Lincoln's-inn-fields.

Mejanel, Arabella, Albury-heath, Surrey, Widow. Aug 30. Hume & Bird, Gt James-st, Bedford-row.

Terry, Joseph, Chickenley Heath, York, Farmer. Aug 13. Holt & Son, Dewsbury.

Thorne, Sarah, Yeovil, Somerset, Widow. Sept 13. Watts, Yeovil.

Wedgwood, Abner, Norton-in-the-Moors, Stafford, Gent. Sept 1. Hacker & Allen, Leek.

TUESDAY, July 20, 1869.

Bates, John Hampden, Allspring, Lancaster, Cotton Spinner. Sept 8. Blain & Chorlton, Manch.

Bonté, Lewis, Gainsford-st, Corn Factor. Aug 15. Weir & Robins, Guildhall-chambers, Basinghall-st.

Brook, Joseph Fearnley, Flush, York, Grocer, Sept 15. Iveson, Heckmondwike.

Bythesea, Mary, Bath, Widow. Sept 1. Young & Co, St Mildred's-ct, Poultry.

Clarke, Maria, Salop, Spinster. Sept 29. Scarth & Co, Shrewsbury.

Woledge, Harry, Brighton, Sussex, Accountant. Aug 26. Gutteridge.

Deeds registered pursuant to Bankruptcy Act, 1861.

FRIDAY, July 16, 1869.

Bate, Geo Jas, & Joseph Scales, Lpool, Hosiers. June 17. Asst. Reg July 15.

Bean, John Fredk, High-st, Deptford, Draper. June 29. Asst. Reg July 13.

Blezard, Hy, jun, Lpool, Soda Water Manufacturer. June 25. Asst. Reg July 15.

Broadhurst, Jas, Congleton, Chester, Innkeeper. June 14. Comp. Reg July 15.

Chettoe, Thos, Wolverhampton, Stafford, out of business. June 23. Comp. Reg July 16.

Claxton, Wm Richards, Lpool, Accountant. July 3. Comp. Reg July 16.

Cram, Alex, Newcastle-upon-Tyne, Ironmonger. June 19. Comp. Reg July 15.

Cushway, Isaac, Green-st, Bethnal-green, Draper. May 30. Comp. Reg July 13.

Dobbs, Arthur, Lydbrook, Gloucester, Innkeeper. June 21. Asst. Reg July 15.

Fisher, Jas Chas, Westmorland-bldgs, Aldersgate-st, Mantle Manufacturer. July 3. Comp. Reg July 14.

Forward, Chas, Brighton, Sussex, Wine Merchant. June 23. Comp. Reg July 16.

Gibbings, John, New King's-rd, Chelsea, Builder. June 15. Comp. Reg July 13.

Gillett, Danl, Lancaster-st, Borough-rd, Hay Salesman. July 9. Comp Reg July 15.

Goodacre, Jas, Lpool, Hosier. June 18. Comp. Reg July 15.

Hall, Wm, Devonshire-rd, Hornsey-rise, Pianoforte Action Manufacturer. June 22. Comp. Reg July 14.

Harding, John Richd, St Mark's-crescent, Notting-hill, Surgeon. June 30. Comp. Reg July 14.

Haycraft, Fredk Taylor, Manch, Bookseller. June 22. Comp. Reg July 14.

Henderson, Mary Ann, South Shields, Durham, Ironmonger. July 6. Comp. Reg July 15.

Hoyland, John, Scarborough, York, Tailor. June 24. Asst. Reg July 15.

Hunt, Vere Dawson De Vere, Sandiway-lodge, nr Hartford, Chester, Comm Agent. June 15. Comp. Reg July 13.

Johnson, Wm, Heaton Norris, Lancaster, Cabinet Maker. June 25. Comp. Reg July 16.

Laverack, Wm, Kingston-upon-Hull, Ale Merchant. June 16. Comp. Reg July 16.

Linley, Geo, Southampton, Linen Draper. June 23. Asst. Reg July 14.

Lucas, Saml Hayhurst, & Edwd Lucas, Gt Winchester-st, Corn Merchants. June 18. Comp. Reg July 15.

Manning, Geo, Commercial-rd, Peckham, Timber Merchant. June 22. Comp. Reg July 15.

Mills, Hugh, Cherlton Fitzpaine, Devon, out of business. June 2. Comp. Reg July 14.

Nash, John, Staines, Middlesex, Auctioneer. June 31. Comp. Reg July 13.

Peak, Joseph, Manch, Screw Bolt Manufacturer. June 17. Asst. Reg July 15.

Pearce, Wm Spencer, Gringley-on-the-Hill, Nottingham, Farmer. June 21. Asst. Reg July 14.

Powell, David, Dowlais, Glamorgan, Grocer. June 18. Comp. Reg July 14.

Rees, Alfred Thos, Clarence-rd, Wood-green, Shipping Agent. June 17 Asst. Reg July 15.

Rees, David, Carmarthen, Boot Maker. June 25. Comp. Reg July 14.

Richardson, John, Falsgrave, York, Grocer. June 17. Comp. Reg July 15.

Rogerson, Edwd, Bolton, Lancaster, Shopkeeper. June 26. Comp. Reg July 13.

Wheeler, John, Basingstoke, Hants, Saddler. June 17. Asst. Reg July 15.

Wornham, Jas, Chatham, Kent, Hairdresser. June 26. Comp. Reg July 14.

TUESDAY, July 20, 1869.

Armstrong, Jas, Manch, Coal Merchant. June 17. Asst. Reg July 16.

Bebbington, Wm, Chester, Boot Manufacturer. June 28. Comp Reg July 16.
Beeby, Wm Richd, Lambeth-walk, Boot Manufacturer. June 30. Comp. Reg July 16.
Bell, Jane, Kingston-upon-Hull, Cooper. July 15. Comp. Reg July 17.
Brooks, Jas, Newtown, Glamorgan, Grocer. June 25. Asst. Reg July 20.
Chadwick, John, Manch, Tailor. June 22. Asst. Reg July 19.
Cluett, John, Bristol, Dealer in China. June 21. Conv. Reg July 17.
Cook, Saml, New Nichol-st, Bethnal-green, Cabinet Maker. July 14. Comp. Reg July 19.
Daniels, Joshua, Crickhowell, Brecon, Builder. June 18. Asst. Reg July 16.
Downing, Peter, Grayshot-rd, Wandsworth, Builder. June 21. Comp. Reg July 19.
Dutton, Edwin, Bradford, York, Grocer. July 1. Asst. Reg July 16.
Ebsworth, Hy John, & Wm Aldridge, Gresham-st, Merchants. July 7. Comp. Reg July 17.
Evans, Wm, Congleton, Cheshire, Grocer. June 12. Asst. Reg July 16.
Fayer, Wm, Lpool, Baker. July 17. Comp. Reg July 19.
Ferens, Wm, Monkwearmouth Shore, Durham, Grocer. June 28. Asst. Reg July 16.
Gosling, Ann Nelson, East Retford, Nottingham, Widow. July 8. Comp. Reg July 17.
Green, Harriett, Fredk Green, & Alfred Green, Leeds, York, Printers. June 22. Comp. Reg July 17.
Hannar, Jas, Chigwell-row, Essex, Builder. June 28. Comp. Reg July 16.
Ibbitson, Joshua, Bradford, York, Stone Mason. June 21. Asst. Reg July 16.
Jarrold, John, Brighton, Sussex, Boot Maker. June 22. Comp. Reg July 19.
Keene, Hy, Richmond, Surrey, Plumber. July 14. Comp. Reg July 17.
Kirkbride, Wm, Penrith, Cumberland, Chemist. June 18. Comp. Reg July 17.
Laird, Richd, Vale-cottage, Muswell-hill, Monetary Agent. July 14. Comp. Reg July 16.
Lister, Alfred, Rochdale, Lancaster, Boot Maker. June 21. Comp. Reg July 17.
Markham, Wm, Newton, Isle of Ely, Cambridge, Blacksmith. July 7. Asst. Reg July 16.
Middleton, Jas, Truro, Cornwall, Grocer. June 18. Asst. Reg July 16.
Morley, Dowrassoff, Leeds, York, Solicitor's Clerk. June 21. Asst. Reg July 17.
Naylor, Timothy, Clifton, York, Cloth Dealer. June 30. Comp. Reg July 17.
Ormerod, Jas, Manch, Bricklayer. July 12. Comp. Reg July 19.
Smart, Stanhope, Dalton nr Huddersfield, & John Hardesty, Shelley, York, Yarn Spinners. June 28. Comp. Reg July 20.
Smith, Rev Danl, Egremont, Cumberland, Clerk in Holy Orders. June 22. Comp. Reg July 17.
Spence, Geo, Fell-st, Wood-st, Grocer. June 26. Comp. Reg July 17.
Solomon, Wm, Truro, Cornwall, Shoemaker. June 14. Asst. Reg July 16.
Stansfield, Luke, Spotland, Lancaster, Sizer. June 7. Asst. Reg July 17.
Taylor, Jas Whiley, & Saml Hannam Stephens, Peabody-bldgs, Commercial-st, Iron Merchants. June 18. Comp. Reg July 16.
Taylor, Edwd, sen, East Coker, Somerset, Spinner. June 21. Comp. Reg July 19.

Bankrupts

FRIDAY, July 16, 1869.

To Surrender in London.

Alexander, Hy, Goswell-rd, Islington, Seedsman. Pet July 14. Murray. Aug 2 at 2. Goatly, Bow-st, Covent-garden.
Bedborough, Alfred. Southampton, Architect. Pet July 10. July 30 at 12. Stocken & Jupp, Leadenhall-st.
Blade, Jas, Gloucester-st, Curtain-rd, Cabinet Maker. Pet July 14. Aug 2 at 2. Steadman, London-wall.
Burfoot, Hy, East Grinstead, Sussex, Corn Merchant. Pet July 9. July 30 at 11. Chilton & Co, Chancery-lane.
Edmeades, John, Sutton-pl, Highgate-hill, Grocer. Pet July 8. Pepys. Aug 4 at 11. Carter & Co, Leadenhall-st.
Eyres, Thos, Beaumont-villas, Finchley-common, House Decorator. Pet July 6. July 26 at 11. Eadon, Gray's-inn-sq.
Geider, Fredk, Palmerston-st, Camberwell, Baker. Pet July 12. Pepys. Aug 3 at 1. Bradey, Carey-st.
Goodman, Edwd, Prisoner for Debt, London. Pet July 13 (for pau). Pepys. July 28 at 12. Steadman.
Hertz, Herman, Piccadilly, Merchant. Pet July 10. Pepys. July 28 at 2. Holmes & Co, Finsbury-pl South.
Hewes, Saml, Church-rd, Upper-st, Islington, Fruiterer. Pet July 12. July 30 at 1. Watson, Basinghall-st.
Hudswell, Robt Wm, Reading, Berks, Accountant. Pet July 10. July 30 at 12. Robinson, Basinghall-st.
Leitch, Alex, Prisoner for Debt, London. Pet July 9 (for pau). Brougham. July 30 at 1. Watson, Basinghall-st.
Major, Wm, Prisoner for Debt, London. Pet July 8 (for pau). Brougham. July 26 at 2. Pittman, Stamford-st.
Mew, Alfred Cæsar, Gray's-inn-rd, Warehouseman. Pet July 12. Pepys. Aug 3 at 12. Tatham & Son, Old Broad-st.
Moore, Wm, Croydon, Surrey, Licensed Victualler. Pet July 8. July 26 at 2. Hooper, Clifford's-inn.
Moyle, Wm, Lee, Kent, out of employment. Pet July 10. Pepys. Aug 3 at 12. Harper & Co, Rood-lane.
Negus, Geo, Prisoner for Debt, London. Pet July 12 (for pau). Brougham. Aug 2 at 12. Cooke, Gresham-bldgs, Basinghall-st.
Osborn, Hy Wm, Poole-rd, Well-st, Hackney, Accountant's Clerk. Pet July 10. Pepys. July 28 at 2. Burt, Guildhall-chambers, Basinghall-st.
Pearse, Thos, Lancaster-rd, Notting-hill, Builder. Pet June 2. Aug 2 at 1. Ellerton & Co, Kensington-gardens-sq.
Peters, Geo, Prisoner for Debt, London. Pet July 8 (for pau). Pepys. Aug 3 at 2. Cooke, Gresham-bldgs.
Pilbrow, Edwd, Prisoner for Debt, Devizes. Adj June 30. Pepys. Aug 3 at 1.
Price, Wm, Prisoner for Debt, London. Pet July 12 (for pau). Brougham. Aug 2 at 12. Watson, Basinghall-st.
Pyatt, Geo, Jewin-st, Brass Manufacturer. Pet July 13. Aug 2 at 12. Briant, Winchester-house, Old Broad-st.
Rigot, Henriette, Prisoner for Debt, London. Pet July 13. Pepys. Aug 4 at 11. Andrew, Gt James-st, Bedford-row.
Roberts, John, Alfred-pl, Alexander-sq, Brompton, Professor of Billiards. Pet July 13. Pepys. Aug 3 at 2. Pook, Lawrence Pountney-hill.
Root, Saml, Woodford, Essex, out of business. Pet July 13. July 30 at 2. Stacpoole, Pinner's-hall, Old Broad-st.
Rose, Albion, Prisoner for Debt, London. Pet July 10 (for pau). Brougham. July 30 at 1. Goatley, Bow-st, Covent-garden.
Smith, Joseph, New-rd, Hammersmith, Green-house Builder. Pet July 10. Pepys. Aug 3 at 11. Scott, Union-ct, Old Broad-st.
Smith, John, Thornton-heath, Surrey, Builder. Pet July 10. Pepys. Aug 3 at 12. Cooke, Gresham-bldgs.
Spencer, Edwd, Wateringbury, Kent, no occupation. Pet July 12. Pepys. Aug 3 at 1. Lewis & Co, Old Jewry.
Wakem, John, New Norfolk-st, Whitechapel-rd, Railway Constable. Pet July 12. Pepys. Aug 3 at 12. Godfrey, Hatton-garden.
Waller, David, Old Kent-rd, Baker. Pet July 12. July 30 at 1. Beard, Basinghall-st.
Williams, Edwin Hy Boddington, Prisoner for Debt, London. Pet July 12. Pepys. Aug 4 at 11. Dubois, Church-passage, Gresham-street.
Wyatt, John, Prisoner for Debt, London. Pet July 13 (for pau). Pepys. July 28 at 2. Olive, Portsmouth-st, Lincoln's-inn.

To Surrender in the Country.

Adams, Thos, Exeter, Mariner. Pet July 13. Daw. Exeter, July 29 at 11. Flood, Exeter.
Austen, Geo, Wivelsfield, Sussex, Shoemaker. Pet July 9. Waugh. Cuckfield, July 21 at 11. Lamb, Brighton.
Bailey, Alfred Roberts, Grantham, Lincoln, Moulder. Pet July 6 Grantham, July 23 at 12. Malim, Grantham.
Bainbridge, John, York, Shipper. Pet June 30. Leeds, Aug 2 at 11. Grundy & Coulson, Manch; Simpson, Leeds.
Bates, Wm Hill, Leicester, Ale Merchant. Pet July 21. Tudor. Birm, Aug 3 at 11. Petty, Leicester.
Bell, Thos, Hinging Stone, Durham, Coal Miner. Pet July 10. Booth. Shotley Bridge, July 30 at 10. Garbutt, Newcastle-upon-Tyne.
Beswick, Jas, jun, Stockport, Chester, Wholesale Ironmonger. Pet July 6. Fardell. Manch, Aug 3 at 11. Johnston, Stockport.
Burdis, Edwd, Prudhoe, Northumberland, Grocer. Pet July 12. Stokoe. Hexham, July 26 at 12. Hoyle & Co, Newcastle-upon-Tyne.
Burkwood, Wm, Dorking, Surrey, Oilman. Pet July 12. Hart. Dorking, July 28 at 11. Young, Serjeants'-inn.
Chiverton, Geo, Prisoner for Debt, Taunton. Adj June 18. Batten. Yeovil, July 28 at 12. Glyde, Yeovil.
Cox, Edwd Bolton, Prisoner for Debt, Lancaster. Adj Feb 18. Fardell. Manch, Aug 3 at 11.
Evans, John, Uttoxeter, Stafford, Common Brewer. Pet July 13. Hill. Birm, July 28 at 12. Cooper & Chawner, Uttoxeter; James & Griffin, Birm.
Hadley, John, Worcester, Coach Builder. Pet July 12. Hill. Birm, July 28 at 12. Meridith, Worcester; Allen, Birm.
Harris, Thos Hy, Blaenavon, Monmouth, Draper. Pet July 12. Wilde. Bristol, July 26 at 11. Greenway & Blytheway, Pontypool; Britton & Son, Bristol.
Harrison, Jas, York, Cattle Dealer. Pet July 10. Perkins, York, July 30 at 11. Mason, York.
Hayward, Wm, New Brighton, Hants, out of business. Pet July 12. Sowton. Chichester, July 28 at 12. Stening, Emsworth.
Hilditch, Edwin, Lpool, Bootmaker's Assistant. Pet July 12. Hime. Lpool, July 28 at 2. Mason, Lpool.
Hindley, David, Madley, Hereford, Grocer. Pet July 12. Hill. Birm, July 28 at 12. Beddoe, Hereford.
Holt, Benj, Beaconsfield, Bucks, Baker. Pet July 13. Holloway. Thame, July 29 at 11. Spicer, Gt Marlow.
Hope, Alice, Prisoner for Debt, Manch. Adj July 9. Hulton. Salford, July 31 at 9.30.
Hornby, Geo, Lpool, Dairyman. Pet July 13. Hime. Lpool, July 29 at 2. Etty, Lpool.
Hull, Benj, Leicester, Shoe Manufacturer. Pet July 13. Tudor. Birm, Aug 3 at 11. Durrant, Leicester; Belk, Nottingham.
Jones, John, Prisoner for Debt, Brecknock. Adj Jan 13. Wilde. Bristol, July 26 at 11.
Jones, Evan, Dolgeiley, Merioneth, Innkeeper. Pet July 12. Walker. Dolgelley, July 27 at 10. Williams, Dolgelley.
Judd, Albert Mew, Prisoner for Debt, Winchester. Adj June 22. Howard. Portsmouth, July 30 at 12. Champ, Portsea.
Kensett, Wm, Landport, Hants, Grocer. Pet July 10. Howard. Portsmouth, July 30 at 12. Champ, Portsea.
Lancashire, Arthur, West Melton, York, Builder. Pet July 10. Newman. Rotherham, Aug 9 at 1. Rodgers, Barnsley.
Latter, Thos, Tunbridge Wells, Kent, Coach Builder. Pet July 12. Alleyne. Tunbridge Wells, July 30 at 3. Cripps, Tunbridge Wells.
Leigh, Joseph, Lpool, Hide Market Inspector. Pet July 14. Hime. Lpool. Aug 2 at 2.30. Walton, Lpool.
Lightfoot, Thos, & Edwd Crudgington Fernihough, Lpool, Rice Millers. Pet July 13. Lpool, July 27 at 11. J. & H. Gregory, Lpool.
Malins, David, jun, Birm, Accountant. Pet July 14. Hill. Birm, July 28 at 12. Southall, Birm.
Martin, Wm Wakeham, Exeter, Engineer. Pet July 12. Exeter, July 28 at 12. Fryer, Exeter.
Millman, John, Skirbeck, Lincoln, Yeoman. Pet July 10. Staniland. Boston, July 28 at 10. Thomas, Boston.
Needham, Saml, Gainsborough, Lincoln, Cordwainer. Pet July 8. Burton. Gainsborough, July 27 at 11. Bladon, Gainsborough.

Northmore, Peter, Plymouth, Devon, Baker. Pet July 14. Exeter, July 31 at 12.30. Fowler & Co, Plymouth; Daw & Son, Exeter.
Oldershaw, Wm, Heanor, Derby, Builder. Pet July 10. Ingle. Belper. July 27 at 12. Heath, Derby.
Parkinson, Robt Buxton, Kendal, Westmorland, Veterinary Surgeon. Pet July 14. Wilson. Kendal, July 28 at 11. Thompson, Kendal.
Pendlebury, Wm Martin, & Timothy Gittins, Chester, Iron Merchants. Pet July 10. Lpool, July 27 at 12. Stone & Bartley, Lpool.
Pennell, Arthur, Prisoner for Debt, Winchester. Adj June 22. Howard. Portsmouth, July 30 at 12. Champ, Portsea.
Pickin, Wm, Stafford, Butcher. Pet July 13. Spilsbury. Stafford, Aug 4 at 12. Brough, Stafford.
Potts, Ralph, Foleshill, Warwick, Bone Manure Manufacturer. Pet July 13. Kirby. Coventry, Aug 3 at 3. Smallbone, Coventry.
Ramsden, Joseph, Leeds, Carver. Pet July 14. Marshall. Leeds, July 26 at 12. Hardwicke, Leeds.
Roberts, David, Tynyrardd, Carnarvon, Setsmaker. Pet July 13. Owen. Pwllheli, July 28 at 11. Jones.
Rogers, John, Lpool, out of business. Pet July 10. Hime. Lpool, July 27 at 2. Etty, Lpool.
Roose, John, & Wm Roose, Stoke, Stafford, Journeyman Plumbers. Pet July 12. Tudor. Birm, Aug 3 at 11. Williams; James & Griffin, Birm.
Rowlings, Wm, Skircoat Moor Bottom, York, Farmer. Pet July 12. Rankin. Halifax, Aug 3 at 10. Jubb, Halifax.
Rudstone, Thos, Hessle, York, Brick Manufacturer. Pet July 14. Leeds, July 28 at 12. Rollit & Son, Hull.
Shaw, Frank, Sheffield, Auctioneer. Pet July 13. Wake. Sheffield, Aug 6 at 1. Micklethwaite, Sheffield.
Stalker, Thos, Scarborough, York. Pet July 8. Woodall. Scarborough, Aug 2 at 3. Mason, Scarborough.
Taylor, Wm, Ilkeston, Derby, out of business. Pet July 13. Ingle. Belper, July 31 at 11. Heath, Nottingham.
Terry, Matthew, Bradford, York, Woolstapler. Pet July 13. Leeds, Aug 2 at 11. Terry & Robinson, Bradford; Bond & Barwick, Leeds.
Thomas, Geo, Horsham, Sussex, out of business. Pet July 12. Medwin. Horsham, July 27 at 10. Lamb, Brighton.
Tillotson, Jas, Eccleshill, York, Greengrocer. Pet July 13. Bradford, Aug 3 at 9.15. Harle, Bradford.
Vaughan, Thos, Brynmaur, Brecon, Innkeeper. Pet July 14. Shepard. Tredegar, Aug 7 at 1. Plews, Merthyr Tydfil.
Waddell, John Ferrier, Low Fotherley, Northumberland, Labourer. Pet July 13. Stoko. Hexham, Aug 17 at 11. Taylor, Hexham.
Wall, Richd, Prisoner for Debt, Stafford. Adj May 13. Slaney. Newcastle-under-Lyme, July 31 at 11. Leech, Newcastle-under-Lyme.
Wood, Albert, Moston, nr Manch, Comm Agent. Pet July 12. Kay. Manch, Aug 5 at 9.30. Gardner, Manch.
Wright, Thos, jun, Birm, Tailor. Pet July 14. Hill. Birm, July 28 at 12. Duke, Birm.
Yates, Wm, & Hugh Yates, jun, Lpool, Masons. Pet July 13. Lpool. July 28 at 11. Bellringer, Lpool.

TUESDAY, July 20, 1869.

To Surrender in London.

Benton, John Wheeldon, London-wall, Attorney's Clerk. Pet July 9. Brougham. Aug 2 at 12. Brown, Basinghall-st.
Bourne, Thos Richd, Jane-st, Commercial-rd East, Timber Merchant Pet July 15. Pepys. Aug 4 at 12. Jaquet, South-st, Finsbury-sq.
Brown, Hy, March, Cambridge, Millwright. Pet July 14. Aug 2 at 2. Ford, Chancery-lane.
Brown, Edwd German, jun, March, Cambridge, Millwright. Pet July 14. Aug 2 at 2. Ford, Chancery-lane.
Cohen, Solomon, White's-row, Spitalfields, Grocer. Pet July 15. Aug 5 at 11. Solomon, Finsbury-pl.
Dando, Thos, George-yard, Bow-lane, Tailor. Pet July 14. Pepys Aug 3 at 2. Roberts, King William-st.
Daw, Mary Ann, & Jane Daw, Upper Marylebone-st, Boot Dealers. Pet July 16. Aug 5 at 12. Clalk, Moorgate-st.
Gillan, Jas Hy, Spring-st, Paddington, Clerk in Holy Orders. Pet July 16. Aug 5 at 12. Nind, Basinghall-st.
Grant, Francis Wm Ogilvy, Upper Berkeley-st, Portman-sq, no occupation. Pet July 15. Aug 5 at 11. Halse & Co, Cheapside.
Griffiths, Wm, Princes-st, Stamford-st, Blackfriars, Draper's Traveller. Pet July 15. Pepys. Aug 4 at 12. Ingle & Co, City Bank-chambers, Threadneedle-st.
Habell, Mark Antony, Rochester-rd, Organ Key Maker. Pet July 13. July 30 at 2. Stokes, Chancery-lane.
Hale, Chas, Wyndham-house, Cricklewood, Builder. Pet July 15. Aug 5 at 11. Lambert, Lower Thames-st.
Harris, Moses, Little Alie-st, Goodman's-fields, Boot Manufacturer. Pet July 16. Aug 5 at 1. Rigby, Basinghall-st.
Heritage, Chas, Herbert-cottages, Lewis-rd, Brixton, Contractor. Pet July 13. July 30 at 2. Heritage, Regent-st.
Hersey, John Glade, Brick-lane, Spitalfields, Brush Maker. Pet July 17. Aug 6 at 11. Venn, New-inn, Strand.
Kidd, John, Bessborough-st, Westminster, Comm Agent. Pet July 17. Murray. Aug 6 at 11. Spicer, Staple-inn, Holborn.
Klaber, Herrman, Finsbury-pl South, Beer Merchant. Pet July 13. Aug 2 at 11. Sydney, Finsbury-circus.
Lewis, Chas, Princes-st, Victoria-docks, Plaistow, Builder. Pet July 17. Aug 5 at 2. Long, Queen-st, Hoxton.
Longden, Hy, Cantelowes-rd, Camden-town, Clerk. Pet July 13. July 30 at 2. Edwards, Bush-lane, Cannon-st.
Metcalfe, Hy, Whitechapel-rd, Trimming Seller. Pet July 9. Aug 6 at 11. Treherne & Co, Aldermanbury.
Morton, Geo, Osselton-st, Somer's-town, Licensed Victualler. Pet July 13. Aug 2 at 11. Weall, Bell-yard, Doctors'-commons.
Murphy, Jeremiah, Hoxton-st, Hoxton, Tailor. Pet July 16. Aug 5 at 12. Abbot, Worship-st.
Nordon, Joseph, Shoreditch, Shopman. Pet July 13. July 30 at 2. Padmore, Westminster-bridge-rd.
Nye, Anthony, Cleveland-pl, Camberwell, Commercial Clerk. Pet July 16. Pepys. Aug 4 at 12. Kent, Cannon-st.
Pearce, Geo, & Walter Pearce, Brunswick-ter, Hackney, China Dealers. Pet July 15. Pepys. Aug 4 at 1. Howell, Cheapside.
Peck, Peter, Wanstead, Essex, out of business. Pet July 17. Aug 5 at 1. Tatham, Gt Knightrider-st, Doctors'-commons.
Postlethwaite, Chas, Shrubland-rd, Dalston, Comm Agent. Pet July 17. Aug 5 at 2. Keighley, Ironmonger-lane.
Tompkins, John, Brighton, Sussex, Billiard-room Proprietor. Pet July 13. Pepys. Aug 3 at 2. Lawrence & Co, Old Jewry-chambers.
Topp, John, Poole, Dorset, Butcher. Pet July 15. Pepys. Aug 4 at 1. Durrant, Guildhall-chambers.

To Surrender in the Country.

Allen, Mary, Bursten, Bedford, Innkeeper. Pet July 15. Austin Luton, Aug 2 at 4. Scargill, Luton.
Bagshawe, Edmund Lloyd, Bath, Surgeon. Pet July 30. Wilde. Bristol, July 30 at 11. Whittington & Co, Bristol.
Banks, Wm, Sheffield, Saw Maker. Pet July 13. Wake. Sheffield, Aug 6 at 1. Micklethwaite, Sheffield.
Bellis, Thos Hy, Rhyle, Flint, Lodging-house Keeper. Pet July 16. Sisson. St Asaph, Aug 4 at 10, Williams, Rhyl.
Blair, John, Brampton, Derby, Beerhouse Keeper. Pet July 13. Wake. Chesterfield, Aug 10 at 11. Gee, Chesterfield.
Burston, John Hy, Prisoner for Debt, Worcester. Adj July 12. Tudor. Birm, Aug 6 at 12. James & Griffin, Birm.
Clarke, Deborah, Prisoner for Debt, Worcester. Adj July 12. Tudor. Birm, Aug 6 at 12. James & Griffin, Birm.
Clay, Geo Hy, Glamorgan, Builder. Pet July 15. Langley. Cardiff, Aug 2 at 11. Morgan, Cardiff.
Cook, Wm, Prisoner for Debt, Bristol. Adj July 9. Gibbs. Bristol, July 30 at 12.
Cooke, John Warner, Prisoner for Debt, Nottingham. Adj July 13. Tudor. Nottingham, Aug 3 at 11. Maples, Nottingham.
Cotterill, Wm Hy, Little Bloxwich, Walsall, Stafford, Blacksmith. Pet July 16. Walsall, July 31 at 12. Glover, Walsall.
Cotton, Walter, Jarrow, Durham, Ale Merchant. Pet July 13. Gibson. Newcastle-upon-Tyne, Aug 6 at 12. Tinley & Co, North Shields.
Crabtree, Allan, Barkisland, York, Carrier. Pet July 2. Rankin. Halifax, Aug 3 at 10. Storey, Halifax.
Danby, Leonard, jun, Ashton-upon-Mersey, Chester, Salesman. Pet July 14. Southern. Altrincham, Aug 2 at 11. Knight, Manch.
Emery, Stephen, Prisoner for Debt, Manch. Adj July 9. Hulton. Salford, July 31 at 9.30.
Evans, Jas, Liscard Village, Chester, Ironmonger. Pet July 16. Lpool, July 30 at 11. Nordon, Lpool.
Evans, Adoniah, Mariner's Villa. Pwllheli, Carnarvon, Coal Merchant. Pet July 17. Lpool, Aug 2 at 12. Evans & Lockett, Lpool.
Gardener, Job. jun, Gloucester, Clerk. Pet July 14. Wilton. Gloucester, July 31 at 12. Jaynes, Gloucester.
Griffiths, Wm, Welshpool, Montgomery, Rope Maker. Pet July 12. Harrison. Welshpool, Aug 2 at 11. Jones, Welshpool.
Hamilton, Benj, Hexham, Northumberland, out of business. Adj Feb 18, 1868. Gibson, Newcastle-upon-Tyne, Aug 6 at 12. Hoyle & Co, Newcastle-on-Tyne.
Harris, Wm Bowen, St Bride's, Pembroke, Clerk in Holy Orders. Pet July 17. Wilde. Bristol, July 31 at 11. Bramble & Blackburne, Bristol.
Hewison, Geo Hy, York, Nurseryman. Pet July 16. Leeds, Aug 2 at 11. Simpson, Leeds.
Howkins, Thos, Bennett's-hill, Birm, Surgeon. Pet July 16. Tudor. Birm, Aug 6 at 12. James & Griffin, Birm.
Jones, Geo, Prisoner for Debt, Hereford. Adj July 16. Tudor. Birm, Aug 6 at 12. James & Co, Birm.
Jones, Jas, Prisoner for Debt, Bristol. Adj July 10. Harley. Bristol, July 30 at 12.
Lampard, Edwd, Lpool, Licensed Victualler. Pet July 15. Hime, Lpool, Aug 3 at 2. Grocott, Lpool.
Langridge, Wm Edwd, Ramsgate, Fisherman. Pet July 16. Snowden. Ramsgate, Aug 5 at 11. Bowling, Ramsgate.
Lucy, Louisa, Prisoner for Debt, Worcester. Adj July 12. Tudor. Birm, Aug 6 at 12. James & Griffin, Birm.
Marks, Geo, Boscombe, Christchurch, Southampton, Carpenter. Pet July 16. Druitt. Christchurch, Aug 5 at 11. Sharp, Christchurch.
Marment, Geo, Kingstanley End, Stroud, Gloucester, Beerseller. Pet July 15. Anderson. Stroud, July 30 at 10. Jackson, Stroud.
Martin, Edwd, Sunny Bank, Somerset, out of business. Pet July 15. Meyler. Taunton, July 31 at 11. Trenchard & Walsh, Taunton.
Morgan, Wm, Lisworney, Glamorgan, no occupation. Pet July 16. Wilde. Bristol, July 30 at 11. Henderson & Salmon, Bristol,
Morgan, Jas, Prisoner for Debt, Monmouth. Adj May 18. Wilde. Bristol, July 30 at 11.
Morrow, Jas Oliver, Lpool, no business. Pet July 7. Lpool, Sept 15 at 11. Evans & Lockett, Lpool.
Naylor, Arthur, Huddersfield, York, Commercial Traveller. Pet July 16. Leeds, Aug 2 at 11. Bond & Barwick, Leeds.
Onions, Geo Enoch, Broseley, Salop, Assistant Baker. Pet July 14. Madeley, Aug 4 at 12. James, Wellington.
Parker, Jas, Newhall, Derby, Butty Collier. Pet July 14. Hubbersty. Burton-upon-Trent, Aug 2 at 10. Wilson, Burton-upon-Trent.
Plumley, Wm, Boscombe, Christchurch, Southampton, Carpenter. Pet July 17. Druitt. Christchurch, Aug 5 at 11. Sharp, Christchurch.
Rodd, Wm, Liskeard, Cornwall, Mercer. Pet July 14. Childs. Liskeard. July 31 at 12. Hingston, Liskeard.
Ross, Wm, Abergavenny, Monmouth, Beerhouse Keeper. Pet July 16. Batt. Abergavenny, Aug 3 at 11. Sayce, Abergavenny.
Sands, Geo, Monkwearmouth, Durham, Journeyman Blacksmith. Pet July 15. Hellis. Sunderland, July 31 at 12. Clavering, Newcastle-upon-Tyne.
Sharp, Beaman, West Hartlepool, Durham, Cooper. Pet July 15. Child. Hartlepool, Aug 2 at 10. Hopper, West Hartlepool.
Stanley, Herbert, Burton-upon-Trent, Stafford, Painter. Pet July 15. Tudor. Birm, Aug 6 at 12. Allen, Birm.
Stephens, Jas, Landport, Journeyman Pork Butcher. Pet July 15. Howard. Portsmouth, Aug 6 at 12. Champ, Portsea.
Stoddart, John Brignell, Bishopwearmouth, out of business. Pet July 14. Ellis. Sunderland, July 31 at 11. Barker, Sunderland.
Stokes, Geo, Caverswall, Stafford, out of business. Pet July 16. Keary. Stoke-upon-Trent, July 31 at 11. Ward, Longton.
Walters, Jas, Walton-on-the-Hill, Lancaster, Contractor. Pet July 10. Lpool, July 30 at 11. Yates & Martin, Lpool, for R. & W. Ascroft, Preston.

Westmacott, John Martin, Alcester, Warwick, Chemist. Pet July 16 Tudor. Birm, Aug 6 at 12. Reece & Harris, Birm.
Williams, Oliver Fras, Tredegar, Monmouth, Painter. Pet July 16. Shepard. Tredegar, Aug 7 at 11. Plews, Merthyr Tydfil.

BANKRUPTCIES ANNULLED.

FRIDAY, July 16, 1869.

Cocke, Geo John, High-st, Bow, out of business. July 13.
Charlot, Gustavus Adolphus, Southwark-bridge-rd, Commercial Clerk. July 12.
Noel, John, Ockendon-rd, Islington, Gold Chain Maker. July 14.